PART II. UNIT PLACEMENT DETERMINATIONS

A. Overview of Legal Principles

Having determined unit scope issues, I devote the remainder of this Decision and Direction of Election to issues concerning employee classifications whose placement was disputed at the hearing. In the Joint Stipulation as amended, and in Employer Exhibit 18, the parties stipulated to the inclusion or exclusion of numerous classifications that were not in dispute. I have reviewed the parties' stipulations with respect to each of these classifications and in the record as a whole. I find that the parties' stipulations are consistent with the Act and I adopt them herein.

Disputed positions generally involve classifications of employees whom one of the parties would exclude from the units found appropriate on the basis that they do not share a community of interest with petitioned-for employees, particularly technical employees and plant or office clerical employees, and employees who primarily work with or inspect the work of outside contractors. Facts and legal standards, where applicable, are set forth by classification within the appropriate division, department, master section, section, and/or unit.

Throughout this Decision, I have applied the following legal standards to unit placement issues involving disputed classifications.

1. Legal Standards – Community of Interest Principles

While the Act does not fix specific standards for making unit determinations, the Board has developed a number of criteria to use in representation cases. Foremost is the principle that mutuality of interest in wages, hours, and working conditions is the prime determinant of whether a given group of employees constitutes an appropriate unit. Continental Baking Company, 99 NLRB 777, 782 (1952). The key is whether the employees have a sufficient community of interest to be an appropriate unit. Tidewater Oil Co. v. NLRB, 358 F.2d 363, 366 (2d Cir. 1964), cert. denied 380 U.S. 910 (1965). Community of duties and interests of the employees involved is the determinant. Swift Co., 129 NLRB 1391 (1960). As stated by the Board in Continental Baking:

> In deciding whether the requisite mutuality exists, the Board looks to such factors as the duties, skills, and working conditions of the employees involved, and especially to any existing bargaining history. (Continental Baking Company, supra, at 782-3.)

Among the factors relevant to a community of interest determination are: amount of wages and method of payment; employment benefits; hours of work; common or separate supervision; similarity of duties, skills, interests and working conditions; training and qualifications; place of employment; degree or frequency of contact; integration of work functions; degree of interchange; history of bargaining; extent and type of union organization of employees; and desires of employees. See e.g., Kalamazoo Paper Box Corp., 136 NLRB 134 (1962); see also Atlanta Hilton & Towers, 273 NLRB 87 (1984) (degree of functional integration); Associated Milk Producers, 250 NLRB 1407 (1970) (common supervision and interchange and contact among employees); Phoenician, 308 NLRB 826 (1992) (employee skills and functions); and Allied Gear & Machine Co., 250 NLRB 679 (1950) (general working

conditions and fringe benefits). The petitioning union's choice of a unit is a relevant consideration, but not dispositive. Marks Oxygen Co., 147 NLRB 228, 130 (1964).

The bulk of the disputed classifications at issue are either technical or clerical employees. Accordingly, I shall address legal principles that apply to these clerical employees and technical employees immediately below.

2. Legal Standards - Technical Employees

Technical employees are those whose work is of a technical nature, involving the use of independent judgment and requiring the exercise of specialized training usually acquired in colleges or technical schools, or through specialized courses. Folger Coffee Co., 250 NLRB 1 (1980). Thus, technical employees are those that do not meet the strict requirements of the term "professional employee," but whose work is of a technical nature involving the use of independent judgment and the exercise of specialized training usually acquired in colleges, technical schools or specialized courses. Audiovox Communications Corp., 323 NLRB 647 (1997); Barnert Memorial Hospital Center, 217 NLRB 775 (1975); New Orleans Public Service, Inc., 215 NLRB 834, 836 (1974); Avco Lycoming Div., 173 NLRB 1199 (1968); Litton Industries of Maryland, 125 NLRB 722, 724-25 (1959). Even if some of the employees sought in a technical unit do not meet the Board's definition of technical employee, they still may be included in such a unit if they have technical skills and duties similar to technical employees, such that they share a community of interest with technical employees. See e.g., Brown & Root-Northrop, 174 NLRB 1005, 1006 (1969). An employee may be deemed a "technical employee" under the Act even if there is no absolute post-high school education requirement for the job. Maryland Cup Corp., 171 NLRB 367, 369 (1968); Waldorf Instrument Co., 122 NLRB 803 (1958); Allis-Chalmers Manufacturing Co., 128 NLRB 87, 89 (1960). In fact, the parties here have stipulated that many classifications are "technical employees" even though there is no absolute post-high school educational requirement for the job. In light of the standards discussed above, I will accept those stipulations.

The Board has customarily found bargaining units limited to technical employees appropriate because technical employees share distinctive duties, skills, training and functions. United Shoe Machinery Corp., 185 NLRB 200 (1970) ("The Board has long held that a unit of all technical employees is appropriate."); Vickers, Inc., 124 NLRB 1051, 1053 (1959); see also Allegheny General Hospital, 239 NLRB 872, 876 (1978), enforcement denied on other grounds, 608 F. 2d 965 (3d Cir. 1979); Barnert Hospital, 217 NLRB 775, 776 (1975).

The Board once had a policy of automatically excluding technical employees from a production and maintenance unit if either party objected to their inclusion. In Sheffield Corp., 134 NLRB 1101 (1961), the Board changed its position and now applies a "pragmatic" approach based upon the traditional community of interest criteria. The Board held that where the union does not seek to include technical employees in the petitioned-for unit, whether the unit would be appropriate without them turns on a community of interest analysis that involves assessment of the following factors: (1) bargaining history, (2) common supervision, (3) similarity of skills and job functions, (4) contacts or interchange with other employees, (5) type of industry, (6) location of employees within the plant, (7) the desires of the parties, and, (8) whether any union seeks to represent the technical employees separately. The Board concluded that technical employees can be included in production and maintenance units depending upon the community of interest factors enumerated above, but specifically noted that in Sheffield no union sought to represent the technical employees at issue. 134 NLRB at 1104, 1105.

Thus, the inclusion of technical employees in a bargaining unit depends, in the first instance, upon whether the union seeks technical employees in its petitioned-for unit, or rather, seeks a unit limited to production and maintenance employees. Where the union seeks a separate appropriate technical unit, the Board continues to recognize that separate technical units are appropriate. Thus, in United Shoe Machinery Corp., the Board rejected an employer's contention that a technical unit was not appropriate because it did not include the clerical employees whom the employer claimed shared a community of interest with the technical employees. The Board restated its long-standing position that technical units are appropriate. The Board recognized that although it had ended the automatic exclusion of technical employees from other types of units in Sheffield, no union sought to represent technical employees separately in that case. 185 NLRB at 200.

When the union does not seek to include technical employees in a unit, their inclusion or exclusion is decided on a case-by-case basis. Thus, as with clerical employees, the Board will not automatically include technical employees in a proposed production and maintenance unit. Instead, the Board makes a decision based on the disputed employee's community of interest with those sought in the unit.

> In order . . . to give effective weight to such community of interest, we shall no longer utilize an automatic placement formula, but shall, instead, make a pragmatic judgment in each case, based upon an analysis of the following factors, among others: desires of the parties, history of bargaining, similarity of skills and job functions, common supervision, contact and/or interchange with other employees, similarity of working conditions, type of industry, organization of plant, whether the technical employees work in separately situated and controlled areas, and whether any union seeks to represent technical employees separately. Sheffield Corp., 134 NLRB 1101, 1103-04 (1961).

In making this pragmatic judgment, the Board often finds that, the very factors that make employees "technical employees" necessitate their exclusion, due to a lack of a community of interest. Barnert Memorial Hospital Center, 217 NLRB 775, 776 (1975) (stating that "[t]he Board has consistently found the exclusion of technicals appropriate based on factors inextricably allied with their technical status"); Weldun International, Inc., 321 NLRB 733, 753 (1996) (excluding engineers, designers, and production control schedulers as technical employees, who shared no community of interest with production employees).

Moreover, where the union seeks a production and maintenance unit, the Board need not actually resolve whether employees are in fact "technical employees," if such disputed employees lack a community of interest with the production and maintenance employees. Penn Color, Inc., 249 NLRB at 1120 n. 13 (1980) (stating that the exclusion of quality control and research and development technicians from a production and maintenance unit was based on a lack of community of interest, without determining first whether such employees were technical employees). Thus, the first appropriate analysis with respect to each disputed technical employee in units in which technical employees are not sought is whether that employee shares such a sufficient community of interest with the physical production and maintenance employees such that the employee's exclusion would render the physical production and maintenance unit inappropriate.

Many of the disputed classifications at issue in this proceeding perform design and drafting work. The Board has consistently found that drafters and designers do not share a sufficient community of interest with production and maintenance employees that mandates their inclusion in order to render a production and maintenance unit appropriate. Moreover, the Board often finds that drafters and designers are technical employees under the Act, even where a formal post-high school education or degree is not an absolute requirement of the job. Thus, where a union petitions for a unit of production and maintenance employees, but seeks to exclude technical employees, the Board has typically held that drafters and designers do not have a sufficient community of interest to be included in the production and maintenance unit. On the other hand, where the petitioning union seeks a technical unit, either separately, or as part of a combined unit with other employees, the Board consistently finds the designers and drafters to be technical employees, and includes them in the technical unit sought.

For example, in Maryland Cup Corp., 171 NLRB 367, 369 (1968), the union sought a unit of production and maintenance employees. The employer sought to include draftsmen in the unit over the union's objection. The draftsmen had no specific or special degree of formal training, although the job did require working knowledge of mechanical drafting. The draftsmen worked in a separate area, were supervised by an engineer, and made detailed specifications for parts and machinery on blueprints. 171 NLRB at 369. Without explicitly finding the draftsmen to be technical employees, the Board found that the draftsmen lacked a sufficient community of interest with production and maintenance employees to be included in the unit. Similarly, in Container Research Corp., 188 NLRB 586 (1971) the Board excluded drafters despite their contact with production employees at the start of a project, and during the project, if problems arose. "The record clearly shows and we find that the interests of the draftsmen are not sufficiently close to those of the production and maintenance employees to warrant including them in the production and maintenance unit." 188 NLRB at 588. Similarly, in Waldorf Instrument Co., 122 NLRB 803 (1958), the Board excluded junior designers, senior draftsmen, draftsmen, and junior draftsmen from a production and maintenance unit as technical employees. Each classification completed drawings of a complex nature requiring knowledge of trigonometry and geometry. The basic qualifications for the job required a high school degree and post-high school drafting experience, or a certain amount of experience. 122 NLRB at 805-06.

Designers and drafters in Allis-Chalmers Manufacturing Co., 128 NLRB 87, 89 (1960), were found to be technical employees and were included in a technical unit. The designers and drafters used engineering specifications and outlines to create drawings. Although the employer preferred to hire designers and drafters with an engineering degree, the evidence showed that many of the designers and drafters had no formal education and training. Instead, they received on-the-job training. 128 NLRB at 89. They were found to be technical employees. Similarly, in J.P. Stevens & Co., Inc., 123 NLRB 758 (1959), the Board excluded drafters from a production and maintenance unit where they prepared blueprints used in connection with installing equipment in the plant. The Board found the drafters to be technical employees. In addition, the Board excluded textile drafters, who designed patterns for textile looms. Although the Board found the evidence was insufficient to determine if the textile drafters were technical employees, the Board excluded them from the unit because their duties and interests were so dissimilar to production employees as to warrant their exclusion. 123 NLRB at 760.

In sum, where the union seeks a production and maintenance unit that does not include technical employees, the Board has excluded designers and drafters as technical employees who lack a sufficient community of interest to be included in the unit. Also, where the technical status

of designers and drafters is at issue, the Board has generally held that designers and drafters meet the Board's definition of a technical employee.

A recent application of the Board's treatment of technicals in the context of unit placement issues may be gleaned from PECO Energy Co., 322 NLRB 1074 (1997). In discussing the unit placement of technical employees, the Board stated at 322 NLRB at 1085:

> Where, as here, a union seeks a unit that includes technical employees, an appropriate unit should include all technical employees who share a community of interest and carry out functionally related duties. See, e.g., Westinghouse Electric Corp., 300 NLRB 834 (1990) and Westinghouse Electric Corp., 137 NLRB 332, 336-337 (1962).

The Board found that one of the appropriate units sought by the union was a unit of production and maintenance employees, including some technical employees. 322 NLRB at 1081, n. 2. Thus, the Board included designers in the unit over the union's objection and held that where a union seeks technical employees in the unit, it must include all disputed technical employees.

Applying the above principles, I have excluded alleged technical employees from the CPSG (or former FED) production and maintenance bargaining unit found appropriate in Case 5-RC-14907 where the record evidence taken as a whole, including testimony and documentary exhibits, shows that the employees in dispute lack a sufficient community of interest with the production and maintenance employees. Power, Inc., 311 NLRB 599, 608 (1993). With respect to the unit found appropriate in Cases 5-RC-14908, I have included all technical employees in BGE (or its former UOG), and all employees in BGE who have technical skills and duties and share a community of interest with said technical employees, in the BGE-wide technical unit found appropriate. I have excluded technical employees from the BGE-wide production and maintenance unit stipulated to be appropriate in 5-RC-14909, where they lack a community of interest with production and maintenance employees, particularly since they share a community of interest with technical employees in 5-RC-14908.

3. Legal Standards - Clerical Employees

It is well-settled that "plant" clericals are appropriately included in a production and maintenance unit, but "office" clericals are not included over the objection of either party. Cooper Hand Tools, 328 NLRB No. 21, slip op. at 41 (April 30, 1999); Power Inc. v. NLRB, 40 F.3d 409 (D.C. Cir. 1994), enforcing, 311 NLRB 599 (1993); John H. Harland Co., 127 NLRB 588, 589 (1960). Plant clerical employees are customarily included in a production and maintenance unit because they generally share a community-of-interest with the employees in the plantwide unit. Esco Corp., 298 NLRB 837 (1990); Raytec Co., 228 NLRB 646 (1977); Akron Telerama, Inc., 191 NLRB 4 (1971); Armour & Co., 119 NLRB 623 (1958). Lilliston Implement Co., 121 NLRB 868 (1958); Belknap Hardware and Manufacturing Co., 96 NLRB 157 (1951) (plant clericals may not be excluded from a production and maintenance unit consisting primarily of manual or physical employees where both groups of employees share the same supervision and general working conditions). Office clericals, on the other hand, are excluded from a production and maintenance unit. Hygeia Coca-Cola Bottling Co., 192 NLRB 1127, 1129 (1971); Westinghouse Electric Corp., 118 NLRB 1043 (1957). Although office clericals may be under the same supervision as plant clericals and share the same mode of compensation, they are typically excluded from a production and maintenance unit, while plant clericals are included. Lilliston Implement Co., 121 NLRB 868, 870 (1958). The Board applies community-of-interest

factors to determine whether to include clerical employees in a bargaining unit with warehouse personnel. NLRB v. Big Three Industries, Inc., 602 F.2d 898, 902-03 (9th Cir. 1979).

The distinction between plant clericals and office clericals is rooted in traditional community of interest concepts. Mitchellace, Inc., 314 NLRB 536 (1994), enforced, 90 F.3d 1150 (6th Cir. 1996). Thus, the classification of a clerical employee as a plant or office clerical is grounded in a determination of whether the clerical employee has such a strong community of interest with production and maintenance employees, that his or her exclusion would render the unit inappropriate. Cooper Hand Tools, 328 NLRB No. 21, slip op. at 41 (clerical employees excluded from production and maintenance unit because they lacked sufficient community of interest to be included). Clericals whose principal functions relate to general operations performed within an office, are typically found to be office clericals, who do not share a sufficient community of interest with employees in a production and maintenance unit. Even clericals who spend as much as twenty-five percent of their time in production areas and have daily contact with production employees may still be deemed to be office clericals. Mitchellace, supra, 314 NLRB at 536-37. See also Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Jackel Motors, Inc., 288 NLRB 730, 742 (1988).

The concept that plant clericals share a community of interest with production and maintenance employees arose in the manufacturing industry, where clerical employees commonly work in the plant and have sufficient daily contact with production and maintenance employees and direct involvement in the production process sufficient to establish a community of interest with the production and maintenance employees. See e.g., Minneapolis-Moline Co., 85 NLRB 597 (1949). Simply working in the plant, however, is not sufficient to render a clerical employee a plant clerical. For example, in ITT Lighting Fixtures, 249 NLRB 441, 441-442 (1980), a clerical who spent twenty-five percent of the time in production areas and had daily contact with production employees, but spent seventy-five percent of his time in the office, was found to be an office clerical, and was excluded from the production and maintenance Similarly, in Minneapolis-Moline, 85 NLRB at 598, the Board found that a group of clericals (clerks, typists, stenographers, and office machine operators) who had separate supervision from production and maintenance employees, were located in a separate office area, and performed accounting, payroll, mailing, purchasing, and billing functions, were office clericals even though they worked in a plant.

In large, integrated businesses the Board has sometimes included clerical employees in an overall unit, and has excluded them at other times from an overall unit: Esco Corp., 298 NLRB 837 (1990); Scholastic Magazines, 192 NLRB 461 (1971); Jacob Ash Co., 224 NLRB 74 (1976); Gustave Fischer, Inc., 256 NLRB 1069 (1981). The Board reached different results, as well, in other cases: ABS Corp., 299 NLRB 516 (1990); Cincinnati Bronze, 286 NLRB 39 (1987). The factors relevant to deciding this issue are: (1) similarity in skills, interests, duties and working conditions (2) functional integration of the plant or warehouse, including interchange and contact among the employees (3) the employer's organizational and supervisory structure (4) the employees' desires (5) the bargaining history and (6) the extent of union organization among the employees. Of particular significance, however, are skills, duties and working conditions.

The mere handling of production related material does not transform an office clerical into a plant clerical. The test is whether the clericals who work in the plant share a community of interest with production employees based on the factors enumerated above. The Board has found clericals to be office clericals even where they typed, handled, and filed production-related documents in the plant.

The Board has issued many decisions holding that the mere handling of production related materials does not render a clerical employee a plant clerical. For example, in Continuous Curve Contact Lenses, 236 NLRB 1330, 1332 n. 6 (1978), the Board held that clericals who had little contact with production and maintenance employees were office clericals. The Board specifically rejected the argument that the mere handling of production materials made them plant clericals. The fact that they sent a daily inventory of lenses to production planning and received lot cards from production employees was insufficient to establish the requisite community of interest with production and maintenance employees.

Similarly, in Nuturn Corp., 235 NLRB 1139 (1978), the Board rejected the argument that certain clerks must be included in a petitioned-for warehouse unit as plant clericals because they handled production-related documents. The clerks in Nuturn audited documents, handled invoices, and checked computerized inventory records. They had limited daily contact with warehouse personnel. The Board found them to be office clericals and emphasized the lack of face-to-face contact and job interchange between the warehouse employees and the clerks. 235 NLRB at 1140.

Thereafter, in Weldun International, Inc., 321 NLRB 733, 735 (1996), the Board reaffirmed its reasoning in Nuturn Corp. The Board found that an estimating clerk who computed information on the cost of materials and maintained files on production jobs was an office clerical employee and excluded her from the production and maintenance unit. The Board relied on the clerk's limited contact with production employees and on the fact that she spent the vast majority of her time in an office area.

In Cooper Hand Tools, 328 NLRB No. 21 (April 30, 1999), the Board found that clerical employees who gathered daily production tickets and then returned to an office area to input information from the tickets, lacked a sufficient community of interest to be included in a production and maintenance unit over the union's objection. The Board emphasized the absence of any significant interaction between the clerical employees and the production and maintenance employees. 328 NLRB slip op. at 41-42.

In Avecor, Inc., 309 NLRB 73, 75 (1992), the Board held that an order entry clerk and lab secretary were office clericals. The order entry clerk had contact with unit employees when she took paperwork into the production area four or five times a day. She also enjoyed the same fringe benefits and had access to a production employee break room. The lab secretary produced paperwork for lab and plant reports, and spent twenty-five percent of her time outside of the office in direct contact with plant employees. Despite these factors, the Board found that the clerks were office clericals because they had limited contact with plant employees and performed typical office clerical duties such as preparing shipping papers and typing. 309 NLRB at 75.

In Cincinnati Bronze, Inc., 286 NLRB 39, 44 (1987), the Board held that a production/scheduler who wrote up orders for purchases and expedited the flow of materials through the production process was an office clerical because he spent virtually all of his time in his office and had little contact with production employees. Similarly, in Prather's, Inc., 227 NLRB 1229, 1230 (1977), the Board held that employees who processed invoice, shipping and conservation data, as well as payroll records for all employees, were office clericals. They spent ninety-five percent of their time in an office area separate from the production employees and lacked any interaction with production employees. 227 NLRB at 1229. See also Jackel Motors,

288 NLRB 730, 742 (1988) (clerical employee whose work involved production statistics and visits to production areas to collect and distribute information found to be an office clerical).

4. Legal Standards – Contractor Inspectors

At issue herein, are several classifications that inspect the work of outside contractors, such as senior construction inspectors in 39-02-03, 39-10-03, 39-10-05, and 39-11-04; underground construction inspectors in M3-09-02 and M3-09-03; and paving coordinators in M3-09-05. I note that under Board precedent, there is no automatic exclusion of employees who work with independent contractors. Employees working with independent contractors may be included in bargaining units with other employees performing similar jobs with similar responsibilities when they share a community of interest with the petitioned-for employees. See, e.g., Monterey Newspapers, Inc., 1998 NLRB LEXIS 795 (1998) (single copy managers working with independent contractors are included in unit); Baltimore Gas and Electric Co., 138 NLRB 270, 273-74 (1962) (unit includes employees classified as inspectors and foreman-underground, who work with contractors' crews); Boston Edison Co., 51 NLRB 118, 127 (1943) (unit includes construction inspectors, who inspect work done by company employees and independent contractors).

On the other hand, where inspectors are dedicated solely to inspecting the work of outside contractors and have limited or incidental contact with petitioned-for employees, the Board has generally found that they lack a sufficient community of interest to be included in the petitioned-for unit. For example, in Atlanta Gas Light Co., 158 NLRB 311 (1966), the union sought a unit of distribution and service employees at a public utility company. The union sought to include contractor inspectors, but the employer argued that the inspectors lacked a sufficient community of interest because their work involved overseeing contractors. The inspectors had little contact with company employees. The inspectors generally worked the same hours as contractors, reported to the job site directly, and authorized their own overtime. They could also correct the work done by contractors and had to approve the contractors' work for payment purposes. In addition, the inspectors determined whether the contractors' work was in compliance with company specifications. The Board excluded the inspectors, finding that they lacked a community of interest with the unit employees, despite the fact that the petitioning union sought inclusion. 158 NLRB at 312-313.

Similarly, in Browne and Buford, Engineers and Surveyors, 145 NLRB 765, 767 (1963), contractor inspectors were excluded from a unit that sought the inclusion of field survey employees. The inspectors interpreted plans and specifications for contractors, and determined if the contractors' work conformed to the company's requirements. Although the inspectors shared similar hours and benefits with unit employees, they had separate supervision and their contract with unit employees was incidental and sporadic. In these circumstances, the Board concluded that the contractor inspectors lacked a sufficient community of interest with the unit employees to be included over the union's objection.

I apply this precedent in light of community of interest principles when resolving inspector unit placement issues.

5. Miscellaneous Legal Principles of Particular Relevance

a. Permanent or Voluntary Interchange

Generally, where interchange involves nothing more than a voluntary or permanent transfer, the Board will accord little weight to the fact that employees may transfer to or from a bargaining unit position. In Renzetti's Market, Inc., 238 NLRB 174, 175 n. 8 (1978), the Board noted that instances of employee interchange involving promotions are not entitled to much weight in determining the scope of the unit. See also Novato Disposal Services, Inc., 330 NLRB No. 97 (Feb. 10, 2000), slip op. at 1, n.3 (same); Penn Color, Inc., 249 NLRB 1117, 1119 (1980) (noting that because employees requested transfers, interchange of employees was not entitled to much weight); Bowie Hall Trucking, Inc., 290 NLRB 41, 43 (1988) (where two employees transferred at their own request, interchange not entitled to much weight); Passavant Retirement and Health Center, Inc., 313 NLRB 1216, 1218 n. 2 (1994) (discounting a permanent transfer of two employees as evidence of interchange); Deaconess Medical Center, 314 NLRB 677, n.1 (1994) (noting that permanent transfers are generally a less significant indication of actual interchange than temporary transfers). Thus, evidence that an employee in a disputed classification was formerly an employee in an included classification, without evidence that his or her transfer was temporary or involuntary, is entitled to little weight as evidence of employee interchange.

b. Use of Common Areas and Attendance at General Meetings

The Board has recognized that proximity of disputed classifications to one another, and use of common areas carries little weight when assessing employees' community of interest. The record contains a plethora of evidence concerning floor plans, common areas, and the proximity of employees in a disputed classification to employees in a classification included in the unit. As the Board noted in Bally's Park Place, Inc., 255 NLRB 63, 64 (1981), however, the proximity of one employee to another, and the sharing of common space, has limited relevance in comparison to the paramount significance placed on employees' skills and the nature of their work. In Bally's, the Board held that a unit of slot machine attendants that excluded card dealers was appropriate because of their distinguishable skills, despite the fact that the two groups worked side-by-side and shared the same common areas, wages and benefits. See also Concord Telephone Co., 248 NLRB 253, 254 (1980). Similarly, in Power, Inc., 311 NLRB 599, 608 (1993), enforced, 40 F.3d 409 (D.C. Cir. 1994), the Board excluded a safety director from a production and maintenance unit because of his distinctive skills, despite his daily contact with field employees. Cf. Dennison Manufacturing Co., 296 NLRB 1034, 1037 (1989) (employees found not to be an accretion to existing unit because of disparity in skills, despite continual contact, functional integration, and common supervision).

Accordingly, throughout this decision, particularly when discussing the community of interest shared by technical employees in the same or similar job classifications throughout BGE (or the former UOG), I do not give much weight to the proximity of employees, or the sharing of common space, when the employees in dispute have skills, training, and job duties that are substantially different from those of the physical production and maintenance employees. Furthermore, evidence relating to floor plans, common areas, and meetings reveals little about actual communication between employees. At most, it is probative of potential interchange,

particularly where the record establishes that those same areas are also accessible to or used by other technical employees, contractors, clerical employees and supervisors.

Similarly, the record contains extensive testimony regarding employee attendance at various plant-wide, divisional, and safety meetings. The Board has discounted the significance of such meetings because they are integral to the operation of any complex institution. See e.g., Long Island College Hospital, 256 NLRB 202, 206 (1981). Consequently, attendance at such meetings has been given little weight in my community of interest analyses.

B. Unit Placement Issues in CSPG or the Former Fossil Energy Division (Case 5-RC-14907)

As noted above, CPSG (former FED) operates and maintains nine electrical power generating plants that run on fossil fuels, and purchases those fossil fuels. Plants operating on fossil fuels include the Herbert A. Wagner, Brandon Shores, Charles P. Crane, Riverside, Gould Street, Perryman, Philadelphia Road, Notch Cliff and Westport facilities. Individual plants may include several separate generating units that are classified as either baseload (those that operate every day unless shut down for maintenance), intermediate load (those that operate five to twenty-five percent of the time), or peak load (those that operate only in unusual circumstances when the demand for electricity is particularly high).

CPSG includes Departments 21, 23, 25 and 28, and an Environmental Services Unit 20-00-02. Department 21, Production (Brandon Shores /Wagner), is responsible for the operation, routine maintenance and fuel management at the Brandon Shores and Wagner plants, which are adjacent to each other. Department 23, Production (Crane/Gould Street/Riverside), is responsible for those same functions at all fossil fuel generating plants other than Brandon Shores and Wagner. Department 25, Fossil Engineering and Maintenance, is responsible for major maintenance and modification projects in all of the power generating plants, including projects performed during planned outages at CCNPP. Department 28, Fuels and Business Planning, purchases the fossil fuels and equipment used by CPSG and administers outside contracts. The Environmental Services Unit monitors compliance with environmental requirements and manages environmental programs within CPSG or the former Fossil Energy Division.

The fossil fuel plants are operated and maintained by plant technicians. Plant technicians assigned to operations sections operate the plant equipment, make rounds, record data and spend almost all of their time in the plant. They work a rotating 35-day shift, during which they work seven 12-hour days, seven 12-hour nights, and five 8-hour days. Plant technicians assigned to maintenance sections perform routine maintenance in the plants. These employees include welders; machinery mechanics, who work on pumps, valves, turbine fans and blowers; modifications mechanics, who make modifications to piping systems; electrical technicians, who maintain electrical equipment, including circuit breakers, motors and control systems; and control technicians, who maintain instruments and control systems. These classifications spend eighty-five to ninety percent of their time in the plant and the remainder of their time in the shops located in the service buildings. Plant technicians assigned to maintenance units generally work day shifts. As noted above, the Employer has adopted a multi-skilling program under which plant technicians from the maintenance units can rotate, usually for about six months, through an operations unit and plant technicians from operations units can rotate through a maintenance unit to acquire secondary skills.

The record establishes that the plant technicians work in an environment that can be hazardous, noisy and dusty. The air in the plants contains coal dust and fly ash, which in turn contains arsenic. Other hazards include airborne chemicals, such as sulfur dioxide, steam leaks, and slipping hazards caused by oil and water on the floors. The plants are not heated or air-conditioned (except areas where computer equipment is kept). The plants are cold in the winter and hot in the summer.

The plant technicians wear dust masks and coveralls or work uniforms. They wash during the day and most of them shower and change clothes before going home. All plant technicians must be respirator qualified and must wear full-face respirators in certain parts of the plant. Hearing protection is also required in the plants. Plant technicians are tested annually for hearing loss.

Environmental Affairs Section, A4-41 (formerly 10-0A-01)

After the hearing, the parties stipulated to the following paragraph: Effective July 3, 2000, the Environmental Affairs Section (10-0A) was changed to the Environmental Affairs Section (A4-41) and is now a part of the Environmental, Health and Safety Department in the Corporate Affairs Division of Constellation Energy Group. Units in the Environmental Affairs Section, the [Water & Natural Resources Unit (10-0A-02) and the Environmental Performance Assessment Unit (10-0A-05)], are now units (A4-41-02) and (A4-41-04) respectively.[1] The responsibilities of these units, the job classifications therein, and all job duties are the same as in the former organization and as was presented in the hearing.

The Environmental Affairs Section is a support group that assists with problems relating to environmental issues. The Environmental Affairs Section has broad corporate involvement throughout CEG because environmental issues affect all areas of the company. This section assesses the environmental performance of organizational entities and works with those entities to improve their performance in this area. Another function performed by this section is to assist operating divisions or entities in obtaining licenses and permits required by their activities. The Environmental Affairs department is located at the Brandon Woods facility in northern Anne Arundel County. In essence, this section functions as a corporate support group for all lines of business.

Water & Natural Resources Unit, A4-41-02 (former 10-0A-02)

The Water & Natural Resources Unit A4-41-02, handles water and resource related issues, ranging from lobbying to compliance with the requirements of environmental laws. The environmental permit technician is the only weekly job in this group. The Employer seeks to include this classification in an appropriate CPSG production and maintenance unit and the Petitioner would exclude this classification.

Environmental Permit Technicians, A4-41-02 (former 10-0A-02)

There are two environmental permit technicians, Mike Fowler and Jim Burkman, in pay grade 31. The nature of this job has not changed since 1996, when this classification voted subject to challenge. A basic qualification for this classification is six years of experience in the

[1] The parties stipulation incorrectly listed the organizational units. They have been corrected in the text.

generation and electric system area. Both environmental permit technicians came from operating areas or line organizations. Fowler came from BGE's Electric Transmission and Distribution Division, Department 33. He was familiar with electric construction activity and distribution and substation work. He works closely with BGE's ETDD Departments 36, 37, 38 and 39. Burkman was a fuel buyer in the coal purchasing area. He currently works primarily with CPSG at the fossil fuel plants.

Local environmental permits such as construction related permits, building permits, and grading permits are obtained by the environmental permit technician in the Environmental Affairs Section. This Section is a separate organization that is not part of CPSG or the former FED. The Environmental Affairs Department is located at the Brandon Woods Business Park, across a busy intersection on the other side of a divided highway from the Fort Smallwood Road Complex where the headquarters for the former Fossil Energy Division is located. There is a cafeteria and safety and medical dispensary that the environmental permit technicians and systems support technicians may use at the Fort Smallwood Complex.

The environmental permit technicians frequently interact in person, by phone, or by e-mail, with designers, drafters, and senior engineering technicians in BGE's Department 38, i.e., classifications that Petitioner seeks in a technical unit in 5-RC-14908. Supervisor Ringger testified that environmental permit technicians perform between 25 and 40 jobs for Department 38 and meet with the aforementioned Department 38 employees in the field or at their offices at the Rutherford Business Center to obtain information needed to obtain relevant permits. Generally, such information includes a complete design of the plans that shows the modification or construction work that will be done. Consequently, there is a need for the environmental permit technicians to deal with the designers and drafters. Fowler is a participant on the Project Coordinating Committee that reviews outstanding electric construction projects, primarily substation construction projects. Supervisory engineers, senior engineering technicians and designers from BGE's ETDD also participate on this committee.

Environmental permit technicians also work with permission specialists (disputed classification) in Unit 37-05-OA in BGE's ETDD. The environmental permit technicians also interact with gas distribution drafters and gas distribution designers (disputed classifications) in BGE's Gas Distribution Division, to obtain permits for gas pipelines throughout the system and new buildings at Spring Gardens. When gas construction crews from BGE's M3-08-04 build new pipelines, the environmental permit technician is present in the field to test the integrity of the pipelines by taking water samples that he delivers to and picks up from the chemistry lab at Fort Smallwood. This occurs about 10 times a year. Less than 10 percent of the time, the environmental permit technicians interact with Facilities and Fleet Services Department 75 designers and planners in BGE's General Services Division to obtain environmental and construction-related permits for office expansions and new structures. Less than 10 percent of the time, they also work with designing and planning type telecommunications personnel from BGE's Department 77 to obtain permit and zoning approvals for construction of antennas on transmission towers and substations. Less than 10 percent of the time, they interact with CCNPP's Department 41 personnel (planners, designers and drafters) to obtain building or grading permits from local, county and state authorities for new construction. Supervisor Ringger testified: "We try to avoid it, it's a long trip, but we have to be there on occasion." Ringger estimated that environmental permit technicians would spend less than five percent of their time on site at Calvert Cliffs.

The environmental permit technicians must satisfactorily complete two years of college level courses in an engineering curriculum or the equivalent combination of formal education, training and experience. They must also demonstrate the ability to negotiate with individuals in the company and with authorities in government. There is no degree requirement.

I find that the environmental permit technicians in CPSG A4-41-02 (formerly 10-0A-02) do not share a community of interest with production and maintenance employees in the unit found to be appropriate in 5-RC-14907. The environmental permit technicians are part of the Environmental Affairs Section that is separate from CPSG. They deal extensively with governmental agencies and monthly employees. They do not perform production or maintenance work and have little contact with CPSG production or maintenance employees. In addition to separate supervision, they have different skills and functions. They work closely with employees in BGE's ETDD such as designers, drafters, and senior engineering technicians in Department 38, whom I have found to be technical employees, as discussed below. They also interact with BGE's permission specialists in 37-05-OA, BGE's gas distribution drafters and gas distribution designers in the Gas Distribution Division, BGE's gas construction crews from M3-08-04, BGE's Facilities and Fleet Services Department 75 designers and planners, BGE's designing and planning type telecommunications personnel from Department 77, and with CCNPP's Department 41 planners, designers and drafters. In these circumstances, I shall exclude the environmental permit technicians in the Environmental Affairs Section from the CPSG production and maintenance unit found appropriate in 5-RC-14907.

Environmental Performance Assessments Unit, A4-41-04 (formerly 10-0A-05)

Systems Support Technician, A4-41-04 (formerly 10-0A-05)

The Environmental Performance Assessment Unit of the CEG Environmental Affairs Section performs an auditing function to insure that environmental laws and rules are translated into company standards. There is one systems support technician, Brian Helbing, in pay grade 30. This is the only classification within the Environmental Performance Assessment Unit that the Employer seeks to include. This classification requires the successful completion of post high school courses in statistics and computer science or an equivalent combination of formal education and training. There is no degree requirement.

The systems support technician helps to keep the computer equipment and information systems in environmental affairs up and running. He interacts with BGE's IT Applications Delivery Department 71 and with systems support technicians in BGE's IT Operations and Technical Support Department 77 through meetings, phone calls, and frequent e-mail. He has limited interaction with the environmental permit technicians. He spends ninety-five percent of the time in the office at the Brandon Woods facility working on computers or information technology issues. Occasionally, he measures the water level in the wetlands with a dipstick.

I conclude that the systems support technician does not share a community of interest with CPSG production and maintenance employees in 5-RC-14907. The systems support technician does not have regular and substantial contact with unit employees. He assists excluded classifications in the Environmental Affairs Department with the installation and operation of computer software and tasks related to data management and computer operations. His supervision is separate from any other unit employees. The skills and responsibilities of this classification are different from the production and maintenance employees included in the unit found appropriate in 5-RC-14907 and there is no evidence that the systems support technician is

cross-trained to perform the type of work performed by them. In these circumstances, I shall exclude the systems support technician in the Environmental Performance Assessment Unit A4-41-04 of the CEG Environmental Affairs Section from the unit found appropriate in 5-RC-14907.

Environmental Health-Safety Division (20-01)

After the hearing, the parties stipulated to the following paragraph: Effective July 3, 2000, the Environmental Services Unit was moved in its entirety to Constellation Power Source Generation, Inc. and is now called the Environmental Health-Safety Division (20-01). This division now includes a Safety Unit (20-01-02), formally the Fossil Safety and Health Unit (28-01-05). This Safety Unit was moved in its entirety from Department 28 to Department 20 on July 3, 2000. In addition to the Safety Unit (20-01-02), the Environmental Health-Safety Division also includes an Environmental Unit (20-01-03), formally named the Environmental Services Unit (20-00-02). The responsibilities of these units, the job classifications therein, and all job duties are the same as in the former organizations and as was presented in the hearing.

Safety Unit, 20-01-02, formerly Fossil Safety and Health Unit 28-01-05

Safety Specialists, 20-01-02 (formerly 28-01-05)

After the close of the hearing the parties stipulated to the following paragraph: The Fossil Safety & Health Unit (28-01-05) has been moved and is now the Safety Unit in the Environmental Health-Safety Division (20-01). The responsibilities of this unit have not changed, only its reporting relationship has. All job responsibilities and roles in this unit remain the same as in the former organization and as was presented in the hearing.

The Safety Unit 20-01-02, formerly the Fossil Safety & Health Unit 28-01-05 provides advisory services for CPSG's safety program. This unit has one classification in dispute, four safety specialists, who are matrixed to the plants (Brandon Shores, Wagner and Crane) or to mobile maintenance at Fort Smallwood. The Petitioner would exclude the safety specialists from the CPSG production and maintenance unit and the Employer would include them. The only other classification in this unit besides the safety specialists is the generation analyst, a monthly employee. The safety specialists and generation analyst are supervised by Mr. Wallace.

Supervisor Wallace testified that the safety specialists in 20-01-02 (formerly 28-01-05) do not do as much training as they did in 1996. In 1996, the safety specialists were in unit 25-03-02 and the Regional Director excluded them from the unit because the record failed to establish that they shared any compelling community of interest with production and maintenance employees. Wallace testified that since 1996, the safety specialists are more focused on observing and interacting with plant technicians, mobile maintenance employees and maintenance planners at the plants and less focused on abstract office work.

As noted, each safety specialist is dedicated to a particular department or plant. The safety specialists meet with the maintenance and operations planners on a daily basis to find out about job set-up, equipment, and preparation. They typically work 6:30 a.m. to 3 p.m. and have flex time. They report to typical office environments, where they have a cubicle, computer, desk, and telephone. Each day, they receive copies of accident reports that are circulating. They analyze trends for root cause information and recommend areas for improvement. The safety specialists enter "root cause" data and near miss reports for the FEAR NOT program. When there it is an accident, the injured employee's supervisor, a member of the local area safety

committee and the safety specialist interact. They perform follow-up audits to assure compliance. They maintain safety records such as confined space entry documents at plants.

The mobile maintenance safety specialist, Joseph Edward Mueller, is located with the planning and clerical group (Contract Administration & Outage Management Unit 25-05-02), at the Fort Smallwood Office Building, first floor. Steve Moore is the safety specialist for the Brandon Shores plant. He is located at the Brandon Shores Service Building, second floor. Philip Simmonds is the safety specialist at the Crane plant. He was previously a senior boiler mechanic. He sits with the planners on the second floor. George Doxzen is the safety specialist for the Wagner plant. His office is next to the planners on the second floor of the Wagner plant building.

Supervisor Wallace described a typical day at the plant for a safety specialist in 20-01 (formerly 28-01-05). They report to work about 6:30 a.m. and receive a list of the work activities scheduled for that day by the project planner or maintenance planner. They walk down the work areas while wearing personal protective equipment (i.e., hard hat, hearing protection, respirator) and check on safety hazards and practices on the job during progress. When doing so, they use various equipment, including fire protection equipment, heat stress monitors, and gas and oxygen instrumentation. When walking down jobs they monitor the safety and health of plant and mobile maintenance employees and talk to and interact with plant technicians and with mobile maintenance personnel matrixed to the plant. The mobile maintenance safety specialist may actually be at another location where other mobile maintenance personnel are working.

Generally, the safety specialists are at the plant proper or service buildings about 70-90 percent of their time. They attend the outage meetings to discuss safety issues with a representative from each job classification involved in the job, usually a large assemblage of plant or mobile maintenance personnel, including plant technicians and maintenance planners. They sit on various safety subcommittees for the fossil division and sit as advisors on the local area safety committees (i.e., each of the plants and mobile maintenance). They conduct respirator training, perform fit tests, and conduct annual re-qualification training on other OSHA requirements. They make presentations at quarterly safety meetings at the plants. Mobile maintenance employees would be trained either at either Fort Smallwood, the Brandon Shores field office area, or at a training session at one of the plants. The mobile maintenance safety specialist would normally provide the annual re-qualification training to mobile maintenance personnel at mobile safety meetings. Supervisor Wallace testified that the four safety specialists are interchangeable. The safety specialists do not recommend discipline if they see an employee commit a safety violation. They must have attend company-funded training in OSHA Institute courses, and possess the ability to interpret safety and health regulations, such as OSHA, MOSHA, MSHA, and DOT regulations that relate to the utility industry. There is no post high school degree requirement for this classification.

I conclude that the safety specialists in 20-01-02 (formerly 28-01-05), unlike the safety specialist in 28-00-03 discussed below, share a community of interest with production and maintenance employees included in the unit found appropriate in 5-RC-14907. The record establishes that the safety specialists in 20-01-02 (formerly 28-01-05) do not concentrate on training like their counterpart does in 28-00-03. Instead, they focus on observing and interacting with plant technicians, mobile maintenance employees and maintenance planners while they are performing production and maintenance work at the plants. The safety specialists in this Safety Unit have daily interaction with included CPSG maintenance planners and project planners from whom they receive a list of the production and maintenance work scheduled for that day.

Thereafter, they walk down the work areas wearing personal protective equipment and check on safety hazards while unit work is in progress. When doing so, they use various equipment, including fire protection equipment, heat stress monitors, and gas and oxygen instrumentation that are similar to equipment and instrumentation used by technicians that I have included in the unit. When walking down jobs they monitor the safety and health of plant and mobile maintenance employees and interact with plant technicians and mobile maintenance personnel. They spend about 70-90 percent of their time at the plant proper or service buildings. Their work is critical to the safe performance of unit production and maintenance work. They are in the same pay grade as numerous unit employees. In these circumstances, I shall include the safety specialists in 20-01-02 (formerly 28-01-05) in the production and maintenance unit found appropriate in 5-RC-14907.

Environmental Unit 20-01-03, formerly Environmental Services Unit, 20-00-02

The Environmental Unit 20-01-03, formerly the Environmental Services Unit 20-00-02, is primarily responsible for managing environmental programs and developing environmental strategies for CPSG in response to federal and state laws and regulations. It is also responsible for monitoring and testing environmental samples, reporting results to state and federal regulatory agencies, and handling state and federal environmental permit activities for all fossil plants. This unit consists of five engineers with professional degrees and four environmental technicians. The Employer contends that the four environmental technicians/fossil should be included in any unit found appropriate in 5-RC-14907 based on community of interest grounds. The Petitioner would exclude them. The parties agree that all other classifications in this section are excluded from the unit.

Environmental Technicians - Fossil, 20-01-03 (formerly 20-00-02)

The Environmental Unit 20-01-03 has four environmental technicians in pay grade 30. Two environment technicians, Kevin Moran and James Young, have offices near the chemistry laboratory at the Fort Smallwood Shops area. At the time of the hearing, they reported to Director of Environmental Services, John Hattrup, but they were matrixed to receive day-to-day direction from the work leader in the chemistry groups under the general supervisor of plant operations. Moran is assigned to the Brandon Shores/Wagner production plant and has an office on the second floor of the Service Building at Wagner, where he sits with engineers. Moran reports to the senior chemical engineer under General Supervisor, John Strauch, in unit 21-02-01 at Brandon Shores or 21-04-01 at Wagner. The plant technicians and industrial wastewater treatment technicians in said units, who are included in the production and maintenance unit in 5-RC-14907, report to the same work leader. Moran may interact with included plant technicians from 21-04-01 (Wagner plant) in adjacent office cubicles where computers are used to track and trend data. Young reports to the third-floor service building at the Crane plant where he sits in an office area with engineers (excluded), engineering technicians (excluded) and the industrial wastewater treatment technician (included). Young has responsibilities for the Crane/Gould Street/Riverside production department and the combustion turbines at all the plants.

The environmental technicians are considered on-site experts on environmental matters and are consulted on a routine basis by other plant employees. They interact with plant technicians, engineers and chemists everyday. The engineers provide Moran and Young with training, as needed, on changing state and federal environmental regulations. Moran and Young also receive training from state and federal regulatory agencies for whom they prepare reports on water parameters or air emissions, and from environmental consulting firms. Moran and Young

participate on plant teams (composed of shift supervisors, control room operators, and plant technicians) that develop emergency response plans. They also participate in development of annual re-qualification training for all plant personnel concerning disposition of hazardous and non-hazardous wastes.

The environmental technicians spend most of their time in their offices preparing various reports for regulatory agencies. They also spent portions of each day in the plants to which they are assigned. The record establishes that they spend 25 percent of their time in the plant performing sampling activities or checking plant logs for equipment performance and maintenance of fuel handling facilities. They also perform rounds or general plant walk-throughs on a weekly basis and collect data from log books, much like plant technicians or industrial wastewater treatment technicians, who are included in the unit. These environmental technicians use a beaker to take periodic samples of ground water, oil, or soil and submit the samples to the chemistry laboratory for analysis. They wear gloves or goggles when taking samples and hard hats and steel-toed shoes when in the plants. Director Hattrup testified generally that they are involved with routine maintenance or outage activities at the plant, but did not provide any specific examples. Because construction or repair activities often produce serious waste products, the environmental technicians make arrangements for the disposal of hazardous and non-hazardous waste products that plant technicians dispose of in designated barrels and that outside contractors physically remove from the plants. For example, when arranging for the disposal of batteries, the environmental technicians have regular contact with electricians, instrument and control technicians and plant technicians. When disposing of waste oils, the environmental technicians interact the plant technicians and mechanics, who use motor lubricants, transformer oils, paints and paint thinners. In disposing of mercury, the environmental technicians work with plant technicians and electricians. The environmental technicians do not actually handle the hazardous materials. The environmental technicians conduct hazardous-waste training for plant operations, maintenance, engineering and other support personnel.

The other two environmental technicians, Gary Arts and Stephen Matosa, both work out of the Fort Smallwood Road Complex under the direction of work leader, Ed Tracey, who reports to Hattrup. The excluded senior engineer and engineering classifications also report to Tracey. Arts and Matosa typically work four ten-hour days and about 20 nights a year. Matosa participates on the quality awareness committee and the business literacy committee.

Arts and Matosa spend somewhere between 25-50% of their time at the production plants monitoring activities related to sulfur dioxide and nitrogen oxide emissions from the stacks or chimneys at the power plants. The balance of their time is spent back at the Fort Smallwood Road Complex preparing reports based on stack tests for federal and state authorities. The smoke coming out of the stacks of the various plants is automatically monitored continuously for opacity and sulfur dioxide emissions. The monitoring equipment and instrumentation used to determine the various levels of pollutants from the stacks are called continuous emission monitors. These monitors are located in the "CEM trailers" outside the plants. The monitors are overseen by continuous emission monitor (CEM) technicians (included) who work out of the Instrument & Controls Unit at the main turbine floor of the production plants (21-03-06 - Wagner and 23-03-03 - Crane unit 2). The CEM technicians work predominantly on day shift troubleshooting repairs and performing preventative maintenance on the CEM equipment, i.e., the probes located on the stacks and the monitors located in the trailers. Both parties have agreed to include the CEM technicians in an appropriate production and maintenance unit in 5-RC-14907 and I have included them in the CPSG production and maintenance unit found appropriate in 5-RC-14907.

Quarterly emission tests are done on each unit during the day and night shift when the plants are running at full or partial operation. One environmental technician works the day shift and the other works the night shift on the same unit during the same testing period. Outside contractors actually take the test samples of gases from the stacks. The environmental technicians oversee these contractors and interface with plant operations personnel concerning the scheduling of tests. Typically, while the emissions tests are being performed at the stacks, the environmental technicians are interfacing with the CEM technicians in the CEM trailers. At times, however, the environmental technicians and the CEM technicians climb a ladder or use a crude elevator to monitor instruments on the stacks at elevations of 100-150 feet. The CEM technicians then give environmental data from computer printouts produced by the monitors to environmental technicians, who prepare reports for the Maryland Department of Environment and the EPA at the Fort Smallwood Road Complex. According to Employer witness Hattrup, these two environmental technicians communicate daily with CEM technicians about performance of equipment and equipment audits when preparing their quarterly reports.

All four environmental technicians can work flex time within specific core hours. Director Hattrup testified that all four engineering technicians receive the same training so they can be interchanged, if necessary. The engineering technicians reporting to Crane and Wagner are involved in the same training as plant technicians and employees in the maintenance area under the general supervisor of operations. The environmental technicians and the CEM technicians attend "smoke school." The environmental technicians also receive computer software training for spreadsheets, Excel-type programs and data management programs. Like plant technicians with primary and secondary skilled disciplines in electrical and control testing, the environmental technicians must pass a technician occupation selection system test (TOSST). Other than a high school education, there is no degree requirement for the environmental technicians. Rather, they are required to have four years of environmental or plant operations experience and the same basic skills that are required for CEM technicians.

I find that the environmental technicians share a community of interest with CEM technicians and other plant technicians, who are included in the production and maintenance unit found appropriate in 5-RC-14907. Unlike the record in 1996, this record establishes that they have significant contacts with unit employees such as plant technicians and CEM technicians. Although they report to an office environment and sit with excluded engineers, they share skills, functions and training possessed by included classifications such as plant technicians, industrial waste water treatment technicians and CEM technicians. They regularly work with and communicate with unit employees and regularly perform work at the plants that is functionally integrated with unit work. For example, the environmental technicians regularly spend time in the plant performing sampling activities, checking plant logs, making rounds or general plant walk-throughs, collecting data from log books (much like plant technicians or industrial wastewater treatment technicians), or interfacing with CEM technicians about emissions data. I note that Moran and Young are matrixed to plant supervision and report to the same work leader that supervises the included classifications of plant technicians and industrial wastewater treatment technicians. I also note that Arts and Matosa may work on shifts. All four environmental technicians are in pay grade 30, just like the plant technicians and CEM technicians. In these circumstances, I shall include the engineering technicians in the Environmental Unit in the CPSG production and maintenance unit found appropriate in 5-RC-14907.

Production (Brandon Shores/Wagner) Department 21, Manager Wayne D. Seifert

After the hearing, the parties stipulated to the following paragraph: Effective July 3, 2000, the Plant Engineering Unit (21-00-02), Fuel and Ash Handling Unit (21-01), Brandon Shores Plant Operations Section (21-02), Brandon Shores/Wagner Maintenance Section (21-03), and the Wagner Plant Operations Section (21-04) have moved in their entirety to Constellation Power Source Generation, Inc. The responsibilities of these sections, the job classifications therein, and all job duties remain the same as in the former organizations and as was presented in the hearing.

Department 21 operates and maintains the adjacent Brandon Shores and Wagner plants. There are approximately 240 weekly employees in this Department: about 110 employees at Brandon Shores, less than 100 employees at Wagner and 43 coal and ash handling employees, who serve both plants. A general supervisor of operation heads each plant. Several shift supervisors report to the general supervisor. A typical shift consists of a shift supervisor, control room operators and several plant technicians.

Department 21 includes a Plant Engineering Unit 21-00-02 that is responsible for minor engineering projects such as replacement of a small pump at both plants. Department 21 also has Fuel and Ash Handling Section Units 21-01-01 through 21-01-05 that are responsible for handling fuel after it is delivered to the plants and for loading ash into trucks to be hauled away. In addition, the Department has two Fossil Operations Sections containing Units 21-02-01 through 21-02-06 and 21-04-01 through 21-04-06, that are responsible for the operation of one of the two plants. Finally, Department 21 has a Maintenance Section containing Units 21-03-01 through 21-03-09 that are responsible for day-to-day maintenance at both plants.

While the majority of physical production and maintenance employees are plant technicians, the coal equipment technicians in the Fuel and Ash Handling Section comprise another large group of physical production and maintenance employees in Department 21. These coal equipment technicians work 10-hour shifts, outdoors, under physically challenging conditions. They operate barge unloaders and bulldozers, and maintain and repair conveyor belts.

The Brandon Shores and Wagner production plants are set up in similar fashion. At Brandon Shores, the tool room attendant (grade 25 - included classification) is located on the first floor in Building 2 in the toolroom. When the tool room attendant is not available, plant technicians fill in for him. The door in the toolroom enters into the machine shop on the first floor where the machinist (included classification) at Brandon Shores works and where the plant technicians from mechanical maintenance receive their work assignments. Stairs lead from the machine shop directly to the second floor. There is also a large plant assembly room, electrical and instrumentation control shop, break area with vending machines and tables, and two large locker rooms on the first floor. Maintenance planners, the PDM technicians, and administrative assistants, who sit on the second floor make use of common areas on the first floor for breaks, quarterly plant safety meetings, and various training. The PDM technicians visit the toolroom to obtain tools. The PDM technicians and maintenance planners obtain safety equipment from the tool room and have access to the first floor locker rooms. The maintenance planners for electrical and instrument control or for mechanical maintenance visit the first floor shops to discuss the planning of jobs with the shop supervisor and plant technicians in that area.

At Wagner, there is a plant and connected service building. There is also a wastewater treatment plant similar to Brandon Shores. The service building consists of three floors. The first floor has a machine shop and instrument and control shop that supports the plant technicians in mechanical and electrical units, and the machinist. The CEM technicians (included classification) work out of the Instrument & Controls Unit on the main turbine floor of the production plant. There is also a toolroom next to the machine shop where the toolroom attendant works. The toolroom attendant sends stock orders by computer to the Fort Smallwood warehouse, which delivers materials. Mobile maintenance employees use the toolroom when at the plant, even though they may bring a mini toolroom when working on major outages. The first floor also has some offices for contract administration employees from Department 25-00-02, who are matrixed to Department 21 to train outside contractors. The second floor contains the Plant Engineering Unit 21-00-02, including the engineering technician (Moran), and the plant planning support unit where the maintenance planners, PDM technicians, senior administrative assistants, and administrative assistants are located. The third floor contains a lunch room with vending machines and a large assembly room. Plant employees and mobile maintenance employees use the same parking lots, entrances and exits, locker rooms, lunch room and meeting and assembly rooms. The second and third floors are air-conditioned.

Plant Engineering (Brandon Shores/Wagner) Unit, 21-00-02, Sup- John N. Kusterer

The Plant Engineering Unit provides engineering and technical support to both the Brandon Shores and Wagner plants. This unit includes one weekly position, engineering technician.

Engineering Technician, 21-00-02

Petitioner would exclude and the Employer would include Jeff Jensen, the engineering technician in Plant Engineering for the Brandon Shores/Wagner production department. Production Manager Seifert testified that Jensen's job duties essentially have not changed since 1996, except for the fact that Jensen currently works at both the Brandon Shores and Wagner plants, instead of just Brandon Shores as in 1996. Because of this increase in responsibility, Seifert testified that the percentage of time that Jensen actually spends at the plant has probably increased to about 65 percent. In 1996, the Regional Director found that Jensen shared a community of interest with the production and maintenance employees petitioned for in that proceeding. Er. Exh. 9C. In this proceeding, the parties introduced relevant portions of the transcript from that proceeding concerning Jensen and also provided additional testimony.

Jensen is in pay grade 30 and works flex time. He reports to plant engineering supervisor, John N. Kusterer. The other employees who report to Kusterer are excluded engineers in pay grades higher than 74. Before becoming an engineering technician, Jensen worked as both a machinery mechanic (an included classification) and a maintenance planner (a disputed classification that I have included in the unit, as discussed below).

Jensen has an office cubicle on the second floor of Building 2 at Brandon Shores. A large hallway splits the second floor of Building 2. To the left is a large area where the maintenance planners, PDM technician, senior administrative assistants, administrative assistants, and safety specialist are located. On the other side of the walled hallway is the plant engineering area. Jensen sits with the plant engineers (6 senior engineers and three engineers) and the one

plant technician or industrial wastewater treatment technician in 21-02-01 (Melendez), who does not rotate in and out of tagging coordinator positions at the plant. Like maintenance planners and the PDM technicians, who also sit on the second floor, Jensen uses common areas on the first floor of Building 2 such as the assembly room, break area with vending machines and tables, and locker rooms.

Jensen works in a cubicle next to the engineering supervisor's office in the Brandon Shores Service Building, where he spends about 50 percent of his time. He has a computer terminal in his cubicle, and enters data into that computer. Jensen assists supervisors and engineers in the preparation of various reports such as trend plots and data summaries based on information that he has collected at the plants. He is not qualified to write an engineering report. He documents conditions of the setup tanks and expansion joints. Industrial water treatment technicians in the plant spend more time monitoring equipment than writing reports, except for Melendez, who generally stays in the office and spends his time generating data for information and analysis.

Jensen spends the other 50 percent of his time outside the office in the Brandon Shores and Wagner plants where he would be and contact with plant technicians and maintenance planners. He goes out into the plant to collect data for use by engineers and maintenance planners. When he visits the plants to obtain data, he discuss problems with engineers, maintenance personnel and plant technicians or operators. One of his responsibilities is to make a plan for the plant for expansion joint replacement on ductwork and boilers. He is involved in thermographic analysis to determine if duct joints are working, so he can make plans to have those joints replaced. He analyzes the data produced by thermographic testing. On occasion, it may be necessary for him to perform physical work such as assisting plant technicians to remove a door in order to enter a tank. This would occur during annual outages at the plant.

The applicable job description (Er. Exh. 4, #196-A), requires post high school courses in engineering, mathematics, physical sciences and/or the equivalent combination of formal education, training or experience. Production Manager Seifert testified that Jensen has no post high school degree, but has past experience working in the maintenance area and on-the-job training. As noted, the record establishes that before becoming an engineering technician, Mr. Jensen worked for several years as are machinery mechanic and senior machinery mechanic. The applicable job description, 196A, also discusses the engineering technician's use of precision vibration, acoustic, and thermographic test equipment by which he monitors various plant pumps and other mechanical equipment to determine if there is a need for maintenance. Production Manager Seifert testified that Jensen typically corrects minor problems (although he has never seen him do so), or generates a maintenance order to have more major problems repaired. Predictive maintenance technicians (PDM technicians), another disputed classification that I have included in the unit as discussed below, also utilize this equipment. In addition, the included plant technicians are qualified to use some vibration monitoring equipment. The engineering technician's job description also provides that this classification prepares and performs hydrostatic testing which is also performed by plant technicians during boiler outages. The engineering technician must satisfactorily complete the TOSST, which is also required of primary skilled electrical technicians and instrument and control technicians. See e.g., plant technician job description 567A.

I conclude that the engineering technician in 21-02-01 shares a sufficient community of interest with production and maintenance employees to be included in the unit found appropriate in 5-RC-14907. Although Jensen is directly supervised by the same individual who supervises

the excluded engineers, he spends more than half his time working in the plants and has regular contacts with unit employees in the plant concerning production and maintenance work. While at the plant, he uses skills and performs functions similar to those used and performed by unit employees. For example, he uses diagnostic equipment to monitor various plant pumps and other mechanical equipment to determine if there is a need for maintenance, much like PDM technicians, whom I have included in the unit, as explained below. The record establishes that Jensen's work is functionally integrated with that of unit employees and he performs actual maintenance and diagnostic work on plant equipment. Moreover, he has a mechanic background. The record further establishes that even when he is working in the office he has regular contact with unit employees such PDM technicians, the industrial waste water treatment technician, and maintenance planners. Moreover, I note that all other engineering technicians in the fossil energy plants are included in the production and maintenance unit found appropriate in 5-RC-14907. In these circumstances, I shall include the engineering technician in 21-02-01 in the production and maintenance unit found appropriate in 5-RC-14907.

Fossil Operations (Brandon Shores) Section, 21-02-01, General Sup., John J. Strauch, Jr.
Fossil Operations (Wagner) Section, 21-04-01, General Sup., Stanley Dembeck

Within Department 21, each plant has a plant operations section that includes multiple shifts of production and maintenance workers necessary to operate the power plant. Both Brandon Shores and Wagner have industrial wastewater treatment plants that are separate from the power plants. The Petitioner would exclude the industrial wastewater treatment technicians in 21-02-01 and 21-04-01 and a single plant technician in 21-02-01. The Employer would include these classifications.

Industrial Wastewater Treatment Technicians, 21-02-01, 21-04-01

The wastewater treatment plants treat wastewater discharge to permitted levels before discharging it into the Patapsco river. At the wastewater treatment plants, there are "round stations" in buildings where the wastewater treatment technicians report. No other employees typically report to work at these buildings. The industrial wastewater treatment technician in 21-02-01 (Gary Lawn at Brandon Shores) and the industrial wastewater treatment technician in 21-04-01 (Richard Edwards at Wagner) are in pay grade 30. They perform the same tasks at their respective plants from approximately 6:30 a.m. until 3 p.m., Monday through Friday. They share immediate supervision with plant technicians from the senior chemical engineer work leader.

Both industrial wastewater treatment technicians report to a small office "round station" in the wastewater treatment plants, but spend most of the day in the wastewater treatment plants performing tasks such as adjusting controls, adjusting packings on valves and pumps, and inspecting pumps and water tanks. The wastewater treatment plants contain various storage tanks, pumps, motors, filters and air compressors that the wastewater treatment technicians operate and perform maintenance work on. These duties are similar to those performed by primary skilled plant operating technicians at the main plants.

The industrial wastewater treatment technicians perform physical labor in a plant work environment using tools such as wrenches, drills, small electrical tools, and lifting slings to move small pumps. The job description for the industrial wastewater treatment technician (Er. Exh. 4,

#262-B) notes that this job requires exposure to noise, dust, chemicals and weather conditions. The chemicals that the industrial wastewater treatment technicians handle are the same type of caustic, acid chemicals that plant technicians handle at the main plant.

The industrial wastewater treatment technicians hold a wastewater operator license and have to pass a test from the state concerning the knowledge and qualifications necessary to operate and maintain the wastewater treatment plant. Some plant technicians also have a wastewater operator license, while others carry a first grade stationery engineer's license from the state.

The industrial wastewater treatment technicians train primary skilled plant operators to cover their job functions, including handling and unloading caustic chemicals. In fact, prior to institution of the multi-skilled cross training program for plant technicians, Lawn was a plant operator and Edwards was a senior plant operator. On weekends and back shifts, plant technicians make rounds to monitor and check equipment at the industrial wastewater treatment plants. Production Manager Seifert testified that it is necessary for an industrial wastewater treatment technician to have a plant operator background. The industrial wastewater treatment technicians must satisfactorily complete the TOSST. I note that the industrial wastewater treatment technicians were included in the production and maintenance unit and voted unchallenged in the 1996 election. See Er. Exh 9(b) at "Appendix."

I conclude that the industrial wastewater treatment technicians share a sufficient community of interest with production and maintenance employees to be included in the unit found appropriate in 5-RC-14907. They spend most of the day in the wastewater treatment plants performing operational and maintenance tasks similar to those performed by primary skilled plant operating technicians at the main plants. They use the same tools, handle the same type of chemicals, and work under similar environmental conditions as the plant technicians. In fact, on weekends and back shifts, plant technicians make rounds to monitor and check equipment at the industrial wastewater treatment plants. They receive pay at the same pay grade as plant technicians in the unit and they share supervision with these plant technicians. In these circumstances, I shall include the industrial wastewater treatment technicians in 21-02-01 and 21-04-01 in the production and maintenance unit found appropriate in 5-RC-14907.

Plant Technician, 21-02-01

Four plant technicians work in Unit 21-02-01, performing water treatment work for the senior chemical engineer. Three of these plant technicians are assigned to that unit on a six-month rotational assignment, while the fourth is permanently assigned there. All four plant technicians are grade 30, primary skilled operators. All four came from plant technician - primary skilled operator positions and all four will return to that position when their assignment in 21-02-1 is complete.[2]

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[2] The record establishes that the plant technicians in 21-02-01, 21-04-01 and 23-02-01 (except at Crane, 23-02-01) are generally industrial wastewater treatment technicians, who operate the demineralizers. In fact, plant technicians in 21-04-01 typically spend their whole day operating or maintaining wastewater treatment equipment. The plant technicians in these units also regularly rotate in and out of the plant tagging coordinator positions (a position that does not work on shift), and are on call to perform ordinary plant technician work. Both parties agree that these plant technicians should be included in an appropriate unit with the exception of plant technician, Israel Melendez in 21-02-01, who Petitioner would exclude because he holds a non-rotating

Despite the fact that all four of the plant technicians in 21-02-01 perform the same functions, the Petitioner seeks to include in the voting unit only the three plant technicians in 21-02-01, who are on temporary assignment. The Petitioner seeks to exclude the plant technician on permanent assignment to this unit. The Employer seeks to include this plant technician.

The plant technician permanently assigned to 21-02-01 performs work identical to that performed by the plant technicians temporarily assigned to that unit. That work involves turning valves, unloading trucks and operating the demineralizer, which makes purified water for the boilers. The record establishes that the work performed by these four plant technicians is virtually identical to that performed by the plant technicians on shift in the main plant. The only distinction between the plant technician on permanent assignment in 21-02-01 and those on temporary assignment is that the former plant technician spends approximately 50 percent of his time in an office in the plant "tracking and trending" water quality reports for the chemical engineer. The other 50 percent of his time, however, is spent in the plant, operating and maintaining the water treatment system.

I find that all the plant technicians working in 21-02-01 should be included in the production and maintenance unit found appropriate in 5-RC-14907. I find that there is no basis for excluding Israel Melendez, the one plant technician permanently assigned there, simply because he occupies a non-rotating position. I note that all four of these plant technicians basically perform the same functions at least 50 percent of the time. Moreover, I note that the parties have agreed to include in the production and maintenance unit the two plant technicians in 21-04-01, who collect data on the water treatment systems at the Wagner plant. They report back to the senior chemical engineer in the plant office area, where they input data and track water parameters for the boilers. The record establishes that Melendez performs similar work when he tracks and trends water quality reports for the chemical engineer. Moreover, I note that if Melendez is excluded, he would be the only plant technician in the fossil plants that would not be allowed to vote. In these circumstances, I shall include all plant technicians in 21-02-01 in the production and maintenance unit found appropriate in 5-RC-14907.

Maintenance Sec., 21-03-01, Gen. Sup. - Planning & Support (BS) H.F. Parks
Plant Planning & Support Unit (Wagner), 21-03-07, Sup. Richard M. Ames
Plant Planning & Support Unit (Brandon Shores), 21-03-08,
Sup. Louis D. Baldi

The Plant Planning and Support Units in 21-03-07 and 21-03-08 provide maintenance planning for jobs at Wagner and Brandon Shores and clerical support for these plants. These units include one weekly position that the parties agree should be included in the voting unit: toolroom attendant. The Petitioner would exclude four weekly positions from the voting unit that the Employer seeks to include: maintenance planner, PDM technician, senior administrative assistant, and administrative assistant.

PDM technicians and maintenance planners essentially work the same eight-hour base period. The maintenance planners, PDM technicians and senior administrative assistants in 21-03-07 and 21-03-08 do not work shifts or have flex time, although maintenance planners and administrative assistants may decide to come in early (5:30 a.m.) to cover business needs.

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position. Melendez does not work on shift. Rather, he works a basic eight-hour day and spends 50 percent of his time in the office area at the Brandon Shores plant.

Usually, by 3:30 p.m., plant technicians have completed their normal work day. Maintenance planners and plant technicians working in maintenance (not operations) generally are working the same hours and support one another.

Maintenance Planners, 21-03-07 (Wagner) and 21-03-08 (Brandon Shores)

The maintenance planner classification in these units is in pay grade 30. The maintenance planners in both the units share office space with the PDM technicians in both units at both plants. Although not determinative, I note that the parties agreed to include the maintenance planners in the petitioned-for system-wide unit in 1996. Er. Exh. 9(c), 3-8.

The maintenance planners provide planning for preventative and corrective maintenance requests from plant operations. The plant maintenance planners typically plan and schedule running maintenance of short duration. The project planners in Department 25, discussed below, plan maintenance for larger more complex maintenance projects or activities.

Typically, a plant technician on shift initiates a written maintenance request that passes to the control room for the shift supervisor to approve and prioritize. The maintenance request or order is then given to the plant planning support unit so that a maintenance planner can investigate and plan the job. Generally, maintenance planners cannot approve and plan for a maintenance request without a supervisor's signature. Once a maintenance request is approved, the maintenance planner may investigate the job by going out into the plant, physically observing the equipment, and discussing the maintenance request with the plant technician or initiator of the request. At other times, the maintenance planner reviews previous maintenance history on the equipment and plans the work to fix the problem based on the maintenance history and prior experience. The maintenance planners order parts, if needed, and they have purchasing authority up to $10,000.

Production Manager Seifert estimated that a maintenance planner would spend on average about 50 percent of his time in the plants reviewing the work to be done as identified in the maintenance requests. Typically, the maintenance planner would walk down or look over the job, either alone or with plant technicians, and then plan the job. The maintenance planners work up a step-by-step plan and work schedule for the maintenance order and turn the planned job and materials over to supervision in the respective maintenance shop. The work schedule shows the number of jobs, number of men, and planned man-hours for the job. This schedule is reviewed by the maintenance planner with the shop supervisor at a daily planning meeting. Maintenance planners, the tagging coordinator (plant technician), and supervisors attend the daily planning meeting. At this meeting, the maintenance planner reads off the planned jobs to those in attendance. When planning maintenance work, maintenance planners often negotiate with plant supervisors, other departments and outside contractors about when the work might get done or what pool of labor is available. The maintenance planners primarily plan work for plant technicians, but may also plan work for mobile maintenance craftsmen on loan to the plants during peak summer months to perform routine maintenance or balance of plant work under plant supervision during non-outage periods. After the work is completed, paperwork flows back to the maintenance planner to be entered into a computer database by either the maintenance planner or the administrative assistants.

The maintenance planners often specialize in certain types of maintenance planning (i.e., electrical and instrumentation, machinery mechanic, or mechanical maintenance) consistent with the primary skills or expertise that they developed during their plant operations or mobile

maintenance job history, most of which was spent in the former Fossil Energy Division.[3] See Er. Exh. 62 a-g (maintenance planner job histories). Most maintenance planners also spent some time in the Fossil Engineering & Maintenance Department 25.

The record establishes that some plant technicians have been trained to interchange with or act as back-up substitute planners for maintenance planners when they are ill, on vacation, or on special assignment. This may happen three or four times a year for a few days or weeks. The General Supervisor of Maintenance makes such decisions, based on need. There is no formal training or rotation for qualifying a plant technician as a maintenance planner.

I conclude that the maintenance planners in 21-03-07 at Wagner and 21-03-08 at Brandon Shores share a sufficient community of interest with production and maintenance employees in the unit found to be appropriate unit in 5-RC-14907. They perform maintenance planning tasks that functionally are integrated with unit production and maintenance work. They spend 50 percent of their time in the plants where they interact with plant technicians and mobile mechanics to gather and disseminate information about outstanding maintenance requests. They draw on their past experience as production and maintenance workers that has given them a thorough knowledge of plant operations and equipment and they communicate directly with plant technicians and mobile maintenance mechanics to determine the needs for particular jobs. They share office space with the PDM technicians, whom I have included in the unit, as discussed below. They share common supervision with the PDM technicians and toolroom attendant, who I have included in the unit, and they share the same pay grade as the PDM technicians. They have regular contact with plant technicians and mobile maintenance craftsmen and progressed up through these job classifications. Typically, what was once their primary craft skill is now their primary area of expertise for planning work. Thus, maintenance planners with backgrounds in mechanical production and maintenance jobs now plan mechanical work. Those with backgrounds in electrical or I&C jobs plan electrical and instrument and control work. Finally, I note that the maintenance planner skill is a secondary skill for plant technicians and mobile maintenance mechanics. As a result, several current plant technicians and mobile maintenance mechanics work on temporary assignment as maintenance planners. Typically, this occurs when the plants have a backlog of unplanned jobs, or when the regular maintenance planners are absent for vacation, special assignment or sickness. In these circumstances, I find that the maintenance planners in 21-03-07 and 21-03-08 share a sufficient community of interest with production and maintenance employees and should be included in the production and maintenance unit found appropriate in 5-RC-14907.

PDM Technicians, 21-03-07 (Wagner) and 21-03-08 (Brandon Shores)

Department 21 has two predictive maintenance (PDM) technicians in pay grade 30, one at the Wagner plant and one at Brandon Shores.[4] They perform the same job. The PDM technicians were called engineering technicians until the former Fossil Energy Division reorganization in January 1998. They were eligible voters in the 1996 election.

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[3] The record reflects that last time any maintenance planner worked at the CCNPP was about two decades ago in 1981.

[4] PDM stands for predictive maintenance, which involves the use of testing techniques to monitor the condition of equipment to identify problems that require minor maintenance before major corrective maintenance needs to be done.

The predictive maintenance technicians spend 75 percent of their time in the plants making routine rounds and performing diagnostic checks and tests on equipment. Such testing involves tasks such as taking oil samples, taking thermography readings, and taking vibration readings. When conducting these tests, the PDM technicians must coordinate with plant technicians. That is, after the PDM technician has set up his instrumentation, the plant technicians will operate the equipment within the parameters directed by the PDM technician that are necessary to obtain the proper readings. The PDM technicians diagnose any problems on the equipment and track data collected in order to estimate when maintenance should be performed. The PDM technicians use small tools such as wrenches and various vibration monitoring, temperature monitoring, and sound measuring equipment that are used by plant technicians and engineering technicians, whom I have included in the unit. Because of the similarity of skills involved, several plant technicians and mobile maintenance machinery mechanics have been trained in PDM as a secondary skill. At Brandon Shores, plant technicians sometimes serve as back-up PDM technicians to fill in during absences or vacation periods. PDM technicians typically wear coveralls, like plant technicians.

As noted above, the PDM technicians have an office cubicle in the same area as the maintenance planners, whom I have included in unit. They use computers to analyze trends in predictive maintenance data so plant supervision can be made aware of any problems. I note that plant technicians use scanners while performing rounds and use computers at round stations to record data collected from various equipment. In addition, I note that CEM technicians (an included classification) use computers to track emission data.

No post-high school education is required for the PDM technician job; rather, past experience working in the plant is the primary qualification for the position. In fact, the PDM technicians progressed from machinery mechanic and maintenance planner jobs. The PDM technicians report to the planning and support services supervisor, who also supervises the maintenance planners, the tool room attendant, the senior administrative assistants, and administrative assistants in the plant planning and support units.

I conclude that the PDM technicians in 21-03-07 at Wagner and 21-03-08 at Brandon Shores share a community of interest with production and maintenance employees in the unit found to be appropriate in 5-RC-14907. They spend 75 percent of their time in the plants and perform predictive maintenance diagnostic tests on plant equipment, a task that is functionally integrated with unit production and maintenance work. Like plant technicians, PDM technicians use wrenches, various hand and power tools, vibration monitoring equipment, template monitoring equipment and sound measurement equipment to perform their job. Because of the similarity of skills involved, several plant technicians and mobile maintenance machinery mechanics have been trained in PDM as a secondary skill. The PDM technicians share office space with the maintenance planners, whom I have included in the unit, as discussed above. They share common supervision with the maintenance planners and the toolroom attendant, both included classifications, and they share the same pay grade as the maintenance planners. They progressed from machinery mechanic and maintenance planner job classifications. In these circumstances, I shall include the PDM technicians in 21-03-07 and 21-03-08 in the production and maintenance unit found appropriate in 5-RC-14907.

Senior Administrative Assistant, 21-03-07
Administrative Assistant, 21-03-07
Senior Administrative Assistant, 21-03-08
Administrative Assistant, 21-03-08

There are two senior administrative assistants in pay grade 26 and one administrative assistant in pay grade 24 at Wagner (21-03-07). There are two senior administrative assistants and one vacant senior administrative assistant position in pay grade 26, and one administrative assistant in pay grade 24 at Brandon Shores (21-03-08). They sit with the administrative assistant from their respective units in the same immediate office area as the maintenance planners and PDM Technicians. They spend the majority of their time in the office area at those plants performing clerical activities in support of payroll or materials ordering functions. They wear casual business attire and work with computers. They work five days a week, eight hours a day, generally between the hours of 6:30 a.m. to 3 or 4 p.m.

Patricia Barkley and Sandra Smith are the senior administrative assistants in 21-03-07 at Wagner. Victoria Lynn Hart and Rhonda Miller the senior administrative assistants in 21-03-08 at Brandon Shores. In early 1998, a number of clerical positions were consolidated and the plant clerk title was changed to senior administrative assistant. Essentially, job duties did not change, but these classifications were expected to gain additional knowledge of other clerical jobs to enhance interchange between clerical positions.

Barkley handles and inputs payroll for Wagner and keeps forms for making changes to flexible benefits or W-2s. In doing so, she interacts with included and disputed classifications when they contact her with payroll or benefit questions. She is also expected to be familiar with Smith's responsibilities. Barkley conducts flexible benefit training for plant personnel. Both Barkley and Smith attend quarterly safety training programs.

Smith orders and procures material that plant technicians use for jobs that maintenance planners plan. Smith sits directly across from two maintenance planners and they talk back and forth frequently with Smith about procuring materials for planned maintenance jobs. Production Manager Seifert testified that Smith has almost continuous contact with the maintenance planners. Smith was previously a tool room attendant. Smith has occasion to interact with plant technicians, PDM technicians, and the tool room attendant when they need to procure non-stock materials. Order forms may also be dropped off at their desks. Generally, plant technicians contact senior administrative assistants many times a year on a routine or regular basis to ask questions about policy rules associated with payroll and about information set forth on paychecks.

As a result of the 1998 consolidation of job titles, Hart went from materials clerk to senior administrative assistant and was required to start learning the other senior administrative assistant's job in 21-03-08. Hart is primarily a materials procurement coordinator like Smith and she has the same type of interaction as Smith with plant technicians, PDM technicians, and the tool room attendant when these classifications need to procure non-stock materials. The plant technicians do not have ready access to telephones and there is no inter-office mail system in the plant. Therefore, about three to five times a year, a plant technician may approach Smith or Hart to order materials. Smith and Hart occasionally work weekend overtime during outages to support plant technicians, who may have materials procurement needs. Seifert testified that like Smith, Hart has regular continuous contact with the maintenance planners.

Miller went from plant clerk to senior administrative assistant. Miller primarily handles payroll at Brandon Shores, like Barkley does at Wagner, but Miller cross trains in the materials management area. Both Miller and Hart attend plant safety meetings at Brandon Shores. Miller is the secretary for the local area safety committee.

Patricia Joyce and Robert Vidler are the administrative assistants (grade 24) in 21-03-07 and 21-03-08, respectively. Before the March 1998 consolidation of job titles, both Joyce and Vidler were general clerks. After this consolidation, their essential job duties did not change, but they were charged with learning the functions of the senior administrative assistants (grade 26). Production Manager Seifert testified that Joyce and Miller perform primarily clerical support functions such as closing out maintenance orders that have come back from the control room and entering such data into the computer system. They are required to satisfactorily complete the clerical testing battery and the word processing test. The tools of their trade are computers, pencils, and paper. They sit in the same area as the maintenance planners and interact with them when closing out maintenance orders. Seifert testified that they routinely interact with plant technicians when supporting or backing up the payroll and materials management functions of the senior administrative assistants. They may interact with plant technicians if there are questions about closing out a maintenance order.

Both administrative assistants attend plant training and safety meetings. Joyce is presently secretary to the local area safety committee at Wagner. Joyce takes minutes of the local safety committee meetings and types them up. Vidler had been a steamfitter (currently classified as modification mechanic in Department 25), who worked in the mechanical shop area performing piping modifications and repairs. He injured his foot during a digging operation and was permitted to voluntarily and permanently move into the general clerk position to accommodate his disability.

I conclude that the senior administrative assistants and administrative assistants in 21-03-07 and 21-03-08 are office clerical employees who do not share a community of interest with production and maintenance employees in 5-RC-14907. They have different skills and functions than production and maintenance employees. They work exclusively in an office environment performing clerical tasks that often involve payroll or benefit administration. They do not regularly interchange with any unit employees, and they do not perform work that is functionally integrated with unit work. In these circumstances, I shall exclude the senior administrative assistants and administrative assistants in 21-03-07 and 21-03-08 from the production and maintenance unit found appropriate in 5-RC-14907. See Power, Inc. 311 NLRB 599, 608 (1993), aff'd, 40 F.3d 409 (D.C. Cir. 1994) (excluding as office clericals employees who answered questions from field employees about pay, insurance or compensation and who sometimes spoke to other employees concerning purchase orders and shipping); Mitchellace, Inc., 314 NLRB 536, 536-37, enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites and Polymers Co., 313 NLRB 1105 (1994); Jackel Motors, 288 NLRB 730, 742 (1988); Container Research Corp., 188 NLRB 586, 587 (1971). See also Westinghouse Electric Corp., 118 NLRB 1043 (1957); Hygeia Coca-Cola Bottling Co., 192 NLRB 1127 (1971); Idaho Power Company, 126 NLRB 547 (1960).

Production (Crane/Gould Street/Riverside) Department 23, Manager-David T. Snyder

After the hearing, the parties stipulated to the following paragraph: Effective July 3, 2000, the Gould Street/Combustion Turbine Operations Section (23-01), Crane Plant Operations Section (23-02), and Maintenance Section (23-03) have moved in their entirety to Constellation

Power Source Generation, Inc. The responsibilities of these sections, the job classifications therein, and all job duties remain the same as in the former organizations and as was presented in the hearing.

Department 23 is responsible for the operation of all fossil fuel generating plants other than those at Brandon Shores and Wagner. These include the Charles P. Crane, Gould Street, Riverside, Perryman, Notch Cliff, Philadelphia Road and Westport facilities. The coal-fired unit at Crane is a baseload unit; Gould and Riverside run only during peak periods; and the other plants consist of combustion turbines that also run only during periods of peak demand. Crane runs all year round and is staffed with approximately 100 weekly-paid employees. Gould Street is staffed all year round with at least one shift, even though it runs only part of the year. Riverside is staffed from June until September.

Generally, the tasks performed by employees in Department 23, including plant technicians, are the same as those performed by employees in the same classifications in Department 21. The plant technicians work either in operations units or maintenance units. Those in operations units work rotating shifts. Those in maintenance units work day shifts. They report to the shops, but their primary work location is in the plant. The plant technicians in maintenance units also rotate through operations units and work the same shifts as plant technicians working in operations units. Others employees in Department 23, including the industrial wastewater treatment technician, maintenance planners, PDM technicians, and senior administrative assistants, do not work rotating shifts.

The Crane plant, like Wagner and Brandon Shores, is noisy and dirty. The air contains coal dust and fly ash. The plant technicians must be respirator qualified, must wear hearing protection and are periodically tested for hearing loss. The plant and the adjacent service building are separated by fire doors.

Department 23 includes a Fossil Operations and Maintenance (Gould St./Riverside) Section 23-01-01 that is responsible for operations and maintenance at Gould Street, Riverside and the combustion turbine locations. Department 23 also includes a Fossil Operations and Maintenance (Crane) Section 23-02-01 that is which is responsible for operations and maintenance at Crane. There is also a Plant Engineering (Crane/Gould St./Riverside) Unit 23-00-02 that provides plant engineering services, including project management for smaller projects, to the entire department. In addition, a Maintenance (Crane) Section 23-03-01, is headquartered at Crane, but provides maintenance services, including planning and clerical functions, to the entire department.

Fossil Opers. & Maint. (Crane) Sec., 23-02-01,
Gen. Sup.-Anthony C. Ciampaglio

Section 23-02 is the Crane plant operations section, which includes the multiple shifts of craft workers and supervisors necessary to operate the power plant. This section includes several weekly positions that the parties agree should be included in the voting unit. See Er. Exh. 18. The Petitioner would exclude one weekly position from the voting unit that the Employer seeks to include: industrial wastewater treatment technician.

Industrial Wastewater Treatment Technician, 23-02-01

As noted, there are wastewater treatment facilities at Crane, Gould Street, and Riverside. There are also oil recovery separation systems at Perryman and at Crane that are continuous operating systems with pumps, gauges and controls. These facilities are monitored and maintained by the industrial wastewater treatment technician in pay grade 30 in Department 23, Mike Moeller. Moeller works an 8-hour schedule, five days a week, from 7 a.m. to 3:30 p.m. He performs the same type of duties as the industrial wastewater treatment technicians at Brandon Shores and Wagner, whom I have found to be included in an appropriate unit. Production Manager Snyder confirmed that Moeller spends 75 percent of his time in the operating areas and only about 25 percent of his time in the office. In addition, he operates, monitors and maintains the clarifiers, settling basins, and pumps at the oil recovery separation facilities. Moeller is essentially a plant technician with a primary skill in operations, who also keeps track of records from the oil/water recovery systems that he transmits to the environmental services unit at Fort Smallwood for submission to the State of Maryland. Department 23 plant technicians make rounds at these facilities on weekends or when Moeller is not present. Moeller has a senior plant operator background.

I conclude that the industrial wastewater treatment technician in 23-02-01, like the industrial wastewater treatment technician in 21-02-01 and 21-04-01, shares a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. This classification performs operation and maintenance tasks similar to those performed by primary skilled plant operating technicians at the main plants. Moeller has a senior plant operator background and functions essentially as a plant technician with a primary skill in operations, who also keeps track of logs from the oil/water recovery systems. This classification uses the same tools, handles the same type of chemicals, and works under similar environmental conditions as the plant technicians. There is regular interchange between this classification and unit employees. Department 23 plant technicians make rounds at the wastewater treatment facilities at Crane, Gould Street and Riverside, and at the oil recovery separation systems at Perryman and at Crane on weekends when the industrial wastewater treatment technician in 23-02-01 is not present. In these circumstances, I shall include the industrial wastewater treatment technician in 23-02-01 in the production and maintenance unit found appropriate in 5-RC-14907.

Maintenance (Crane) Section, 23-03-01, Gen. Sup.-William J. Butler

Section 23-03 has responsibility for the routine maintenance and balance of plant (BOP) work at all Department 23 power plants.

Plant Planning & Support (Crane) Unit, 23-03-05, Sup.-Garret J. Remortel

Planning & Support Unit 23-03-05, plans maintenance activities for the Department 23 power plants. This unit includes three weekly positions that the Petitioner would exclude from the voting unit and the Employer would include: maintenance planner, PDM technician, and senior administrative assistant. See Er. Exh 18. The classifications at issue report to work stations in an office environment at both Crane and Gould Street.

Maintenance Planners, 23-03-05

There are four maintenance planners in pay grade 30 in Department 23, who perform work similar to the maintenance planners in Department 21. They attend daily planning meetings with shop supervision to discuss the daily work schedule, the scheduling of manpower, and the tagging of equipment to be worked on. They typically walk down jobs in preparation for planning and use a computerized work management system "Fossil Maintenance Management System or MP2" to assist them in planning jobs.

These four maintenance planners typically came from one of the respective craft areas, either mechanical, instrument and control, or electrical, and each of them has worked in the Fossil Engineering and Maintenance Department 25. Mr. Hendley was a plant electrician and now performs planning functions for the instrument and control and electrical areas. Mr. Hrebik was a machinery mechanic and senior machinery mechanic and is now a mechanical maintenance planner at Crane. Mr. Perry is also a mechanical maintenance planner at Crane. Mr. Karcher was a machinery mechanic in Department 25 and then became a planning and scheduling technician (disputed classification that is discussed below). Production Manager Snyder testified that the planning and scheduling technician job is similar to the maintenance planner job. Mr. Karcher currently is a mechanical maintenance planner at Gould Street.

Department 23 plant technicians that have primary mechanical, instrument and control, or electrical skills, work as backup maintenance planners several times a year during illnesses, vacation periods, or when necessary to work off maintenance order backlogs that require planning for manpower, materials, tools, and equipment. Snyder did not know how many times this temporary interchange of job function has happened in the last 12 months. Snyder testified that the plant technicians, who work as backup maintenance planners, learn on the job by working side-by-side with a maintenance planner. Maintenance planners do not serve as backup plant technicians, however, and the maintenance planners, who come from the ranks of plant technicians, do not continue training in their primary and secondary plant technician skills.

I conclude that the maintenance planners in Department 23-03-05, like the maintenance planners in Department 21, share a sufficient community of interest with production and maintenance employees and should be included in the unit found appropriate in 5-RC-14907. They spend about 50 percent of their time in the plants and perform maintenance planning tasks that functionally are integrated with unit production and maintenance work. They share office space, common supervision, and pay grade with the PDM technicians in Department 23, whom I have included in the unit, as discussed below. They have craft backgrounds in electrical, instrument and control, or mechanical production and maintenance jobs. The record reflects that this background has provided them with the skills, knowledge and experience necessary to function effectively as maintenance planners. They have regular contact with plant technicians and mobile maintenance craftsmen and they have progressed up through these job classifications.

As in Department 21, plant technicians in Department 23 with either a primary skill of mechanical, instrument and control, or electrical, are often temporarily assigned to work as Department 23 maintenance planners during periods of absence and peak workloads. In these circumstances, I shall include the maintenance planners in 23-03-05 in the production and maintenance unit found appropriate in 5-RC-14907.

PDM Technician, 23-03-05

There is one PDM technician, William Johnson, in pay grade 30 in Department 23. He performs the same functions as the PDM technicians in Department 21. Johnson is headquartered out of the Crane station, but works at all Department 23 facilities. Previously, Johnson was an engineering technician and before that he was a senior machinery mechanic, machinery mechanic, and maintenance and modification worker (entry-level plant helper or laborer) in Department 25. The change from engineering technician to PDM technician was solely a job title change that occurred around March 1998. The PDM technician in 23-03-05 typically performs various diagnostic tests to determine the condition of equipment so that maintenance can be predicted based on the condition of the equipment. Production Manager Snyder testified that PDM technicians often come from a machinery mechanic background and that such experience with major operating equipment enhances their ability to monitor vibration and perform thermography and lube oil analysis that is required in the PDM technician job.

I conclude that the PDM technician in 23-03-05 at Crane, like the PDM technicians in Department 21, shares a community of interest with production and maintenance employees in 5-RC-14907. The PDM technician spends most of his work time in Department 23 plants performing predictive maintenance diagnostic tests on plant equipment, a task functionally integrated with unit production and maintenance work. Like plant technicians, the PDM technician uses wrenches, various hand and power tools, vibration monitoring equipment, template monitoring equipment and sound measurement equipment to perform his job. As noted above, because of the similarity of skills involved, several plant technicians and mobile maintenance machinery mechanics have been trained in PDM as a secondary skill. The PDM technician shares supervision and the same pay grade with the maintenance planners in 23-03-05, whom I have included in the unit. The PDM technician progressed from a machinery mechanic background. In these circumstances, I shall include the PDM technician in 23-03-05 in the production and maintenance unit found appropriate in 5-RC-14907.

Senior Administrative Assistants, 23-03-05

There are four senior administrative assistants in Department 23; three at Crane (Ms. Sturdivant, Ms. Butler and Ms. Collins) and one at Gould Street (Mr. Tyler). As a result of the 1998 consolidation of job titles, plant clerks, payroll clerks and general clerks became senior administrative assistants, who were "cross-trained" to have a primary and secondary skill. All four senior administrative assistants spend the majority of their work time in their office work stations and frequently use a computer. They are in pay grade 30.

Ms. Sturdivant had been a payroll clerk, who handled timekeeping functions. Ms. Sturdivant's primary duty is to handle payroll and timesheets. If employees have difficulty with their pay, they seek her out. She acts as liaison between the plant and corporate payroll system in the finance and accounting office downtown. Her primary skill as a senior administrative assistant is in the payroll and timekeeping area. Production Manager Snyder testified that Ms. Butler's primary duties are general clerical duties. Ms. Collins is predominantly a materials

clerk, who performs the same job as the material clerks in Department 21. She obtains materials such as safety glasses or shoes for plant technicians. Mr. Tyler handles payroll and time keeping functions for the Gould Street combustion turbine personnel and has a secondary skill as a materials clerk. According to Snyder, materials clerks work closely with maintenance planners and supervisors to obtain materials.

Due to the clerical nature of their job, the senior administrative assistants receive less annual re-qualification training than do plant technicians. They attend quarterly plant-wide safety meetings and quarterly business update meetings concerning department performance goals for the Fossil Performance Index. They have been involved with plant improvement teams, corrective action teams and safety committees that are composed of plant technicians, coal equipment technicians, plant helpers, supervisors and work leaders.

I conclude that the senior administrative assistants in 23-03-05, like the senior administrative assistants and administrative assistants in 21-03-07 and 21-03-08, are office clerical employees who do not share a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. They have different skills and functions than production and maintenance employees. They work exclusively in an office environment performing clerical tasks that often involve payroll, benefit administration or material procurement. They do not regularly interchange with any unit employees and they do not perform tasks that are functionally integrated with unit production and maintenance work. In these circumstances, I shall exclude the senior administrative assistants and administrative assistants in 23-03-05 from the production and maintenance unit found appropriate in 5-RC-14907. See Power, Inc. 311 NLRB 599, 608 (1993), aff'd, 40 F.3d 409 (D.C. Cir. 1994) (excluding as office clericals employees who answered questions from field employees about pay, insurance or compensation and who sometimes spoke to other employees concerning purchase orders and shipping); Mitchellace, Inc., 314 NLRB 536, 536-37, enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites and Polymers Co., 313 NLRB 1105 (1994); Jackel Motors, 288 NLRB 730, 742 (1988); Container Research Corp., 188 NLRB 586, 587 (1971). See also Westinghouse Electric Corp., 118 NLRB 1043 (1957); Hygeia Coca-Cola Bottling Co., 192 NLRB 1127 (1971); Idaho Power Company, 126 NLRB 547 (1960).

Fossil Engineering & Maintenance Department 25, Manager-John Lewis Edler

The FEMD provides engineering, technical and maintenance support to power plants during outages and major projects. FEMD also serves as a ready supply of production and maintenance workers who are assigned to work at the fossil plants to augment maintenance and operational forces as needs require.

After the close of the hearing, the parties stipulated to the following eleven paragraphs:

Effective July 3, 2000, the FEMD was moved in its entirety to Constellation Power Source Generation, Inc. While the primary responsibilities and functions of the department remain the same, it has undergone some minor reorganization. The responsibilities of the department, the job classifications therein, and all job duties, for the most part, remain the same as in the former organizations and as was presented in the hearing, except as noted below.

Effective May 1, 2000, the Modifications Electrical Unit (25-08-0C) was transferred in its entirety to Constellation Nuclear, Inc. That company will define the roles and responsibilities of this unit (41-10-02) in the Constellation Nuclear, Inc. organization. This unit is no longer a

part of the Major Machinery Section (25-08) and the Company does not seek inclusion of any employees from this section.

Effective July 3, 2000, the FEMD eliminated the job classification formally known as "Shop Technician." Only one unit within the department was affected by this change, the Fabrication Shop Unit (25-07-09) of the Steam Generator-Welding-Modifications Section (25-07). The incumbents within this unit now have job titles specific to their primary skill. All weekly job classifications of the Fabrication Shop Unit (25-07-09) now have a title of Welder or Modifications Mechanic, consistent with the remainder of the Generator-Welding-Modifications Section (25-07).

The roles, responsibilities, and duties of the Contract Administration & Outage Management Unit (25-00-02) have not changed. All job classifications and job duties remain the same as in the former organization and as was presented in the hearing.

The Maintenance & Modifications Engineering Section (25-02) and the Technical Services Section (25-09) were combined to form the Technical Services Section (25-02). The responsibilities of this section, the job classifications therein, and all job duties have not changed as in the former organizations and as was presented in the hearing.

Several units were combined as a result of the merging of the Maintenance & Modifications responsibilities of the unit, the job classifications therein, and all job duties remain the same as in the former organizations and as was presented in the hearing.

The Chemistry Unit (25-09-02) was combined with the Materials Engineering & Analysis unit (25-09-05) to form the Chemistry & Materials Engineering and Analysis Unit (25-02-09). The responsibilities of the unit, the job classifications therein, and all job duties remain the same as in the former organizations and as was presented in the hearing.

The Major Equipment Engineering Unit (25-02-0A) has not changed. The responsibilities of the unit, the job classifications therein, and all job duties remain the same as in the former organization and as was presented in the hearing.

The Predictive Maintenance Engineering Unit (25-09-03) is now the Predictive Maintenance Engineering Unit (25-02-08). Other than a change to its section and unit identification number, the responsibilities of the unit, the job classifications therein, and all job duties remain the same as in the former organization and as was presented in the hearing.

The Major Machinery Section (25-08) and the Steam Generator-Welding-Modifications (25-07) sections have not changed except as noted above. The responsibilities of these sections, job classifications therein, and job duties have not changed.

Contract Administration & Outage Management Unit, 25-00-02,
Dir.-Peter J. Boute

As noted, after the close of the hearing, the parties stipulated to the following paragraph:

The roles, responsibilities, and duties of the Contract Administration & Outage Management Unit (25-00-02) have not changed. All job classifications and job duties remain the same as in the former organization and as was presented in the hearing.

The Contract Administration & Outage Management Unit 25-00-02, plans and prioritizes the work to be done by plant forces and mobile maintenance forces during all major outages or modifications projects. This unit ascertains the scope of work required, plans and schedules the manpower necessary to complete that work, and tracks its timely completion. This unit includes several weekly positions that the Petitioner would exclude from the voting unit and the Employer would include: project planner, planning and scheduling technician, assistant maintenance modifications administrator, and senior administrative assistant. See Er. Exh 18.

Site maintenance and modification administrator, Robert Collison, testified that the function of the Contract Administration and Outage Management Unit is to estimate and secure work for the mobile maintenance forces,[5] to plan and schedule that work, and to ensure that it is completed on time. This unit acts as a labor broker for the plants when additional manpower is needed. Each year this unit lays out manpower requirements necessary for mobile maintenance forces to work outages and identifies peaks and valleys in manpower requirements for mobile maintenance during outage periods. This unit then coordinates with the plants, including Calvert Cliffs, to keep mobile maintenance forces productive at plants at other times.

As noted, the fossil plants are not adequately staffed to take care of all their maintenance work. There is typically a backlog of regular maintenance work during the summer months and major outage work during the spring and fall that mobile forces assist in performing, both at the fossil plants and the nuclear plant. For example, the Contract Administration and Outage Management Unit committed steam generator modification mechanics and welders, major machinery mechanics and steam generator modification electricians to the Crane plant to perform routine plant maintenance as part of plant work groups under plant supervision maintenance during January and February 2000.[6] In addition, right after the Brandon Shores outage, from November 1999 until the end of the year, approximately 10 mobile maintenance craftspersons worked at the Brandon Shores, Wagner, and Crane plants without mobile maintenance supervision.

The record reflects that this unit loans mobile maintenance manpower to Calvert Cliffs or borrows manpower (machinery mechanics, modification mechanics, and welders) from Calvert Cliffs to backfill plant workforces during outages in the fossil plants such as the Fall 1999 outages at Brandon Shores and Wagner Unit II. Approximately twelve maintenance employees from Calvert Cliffs recently worked at an outage at Brandon Shores.

On a less frequent basis, mobile maintenance work forces may also provide services to BGE divisions such as the Electric Transmission and Distribution Division and the Gas Distribution Division. For example, the mobile maintenance group recently loaned an employee to the Gas Distribution Division for four months and has loaned five employees to the Electric Transmission and Distribution Division since the spring of 1999.

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[5] Collison defined mobile forces as classifications reporting to General Supervisor Paul Nagle in 25-08-01 and General Supervisor Andy Ensor in 25-07-01. As reorganized, they include the maintenance machinery section, the machine shop section, the steam generator mechanic section (which includes mechanics and welders), the steam generator modification electrician section, and the wood fabrication shop.

[6] Usually, the type work that the mobile workforce is performing at the plant determines whether or not a mobile supervisor is sent with the mobile workforce. For example, during major projects or outages, a mobile maintenance supervisor would be sent with a large crew.

Assistant Maintenance Modifications Administrators, 25-00-02

There are four assistant maintenance and modifications administrators in pay grade 30 in 25-00-02. This job classification was previously titled maintenance and modification inspector in 25-00-08. The assistant maintenance and modifications administrators principally work from 6:30 a.m. until 3:00 p.m. Two are assigned to the Brandon Shores/Wagner Complex, Department 21. Two are assigned to the Crane/Gould Street/Riverside Complex, Department 23. They report to a desk at the same field office that the planning and scheduling technicians report to and they use the same resources, lunch rooms, restrooms and parking lots as other plant personnel. They are supervised by the site maintenance and modifications administrator in work group 2, who is not responsible for any other employees in the unit. The site maintenance and modifications administrator for work group 3, Marty Oliver, is the work leader for the project planners, planning and scheduling technicians, and senior administrative assistants in the unit.

The assistant maintenance and modifications administrators are primarily responsible for facilitating contractor work at the plants. They are physically present in the plant every day to coordinate the efforts of outside contractors (e.g., scaffold builders, insulators, installation specialists) with plant technicians, maintenance planners, project planners, and mobile maintenance personnel. The assistant maintenance and modifications administrators inspect contractor work packages that contain the description and scope of the work to be performed and the specifications and time frame for performance, and assure that the contractor's work is performed according to contract and plant specifications. They initial and review contractor time sheets and cost information and verify the accuracy of such records. They prepare contractor evaluation reports. They provide assistance, oversight and training for the contractors on the safety aspects of the job, but the plant safety specialist still performs the safety specialist function with regard to contractors.

Project planners, modifications mechanics and machinery mechanics from Department 25 occasionally backfill for assistant maintenance and modification administrators when the workload is high. For example, modifications mechanic, Wayne Pokrywka, and modifications electrician, Ted Boyer, both filled in as backup assistant maintenance and modifications administrators during major boiler modifications work in the spring of 1999.

I conclude that the assistant maintenance and modifications administrators do not share a sufficient community of interest with production and maintenance employees in the unit found to be appropriate in 5-RC-14907. They have different skills and duties from physical production and maintenance employees. They do not have regular and substantial contact or significant interchange with unit employees, and do not perform any bargaining unit work. Rather, they primarily inspect the work of outside contractors and perform tasks that are not functionally related to unit work. Their supervision is separate from other unit employees. Although included classifications occasionally backfill for this classification, there is no reciprocal interchange and this evidence does not outweigh the overall detachment of this classification from the work of unit employees. In these circumstances, I shall exclude the assistant maintenance and modifications administrators in 25-00-02 from the production and maintenance unit found appropriate in 5-RC-14907. See Weldun International, Inc., 321 NLRB 733 (1996); Atlanta Gas Light Co., 158 NLRB 311 (1966) (contractor inspectors, who verified contractor time sheets and ensured contractors complied with company specifications, excluded from unit of physical employees even though the union sought their inclusion); Browne and Buford, Engineers and Surveyors, 145 NLRB 765, 767 (1963) (contractor inspectors excluded); and St. Francis Hospital,

223 NLRB 1451, 1454-55 (1976) (employee who works with outside contractors does not share a community of interest with physical employees).

Planning and Scheduling Technician, 25-00-02

There are two planning and scheduling technicians in pay grade 30 in 25-00-02. They are supervised by the site maintenance and modifications administrator work leader, who also supervises the project planners and senior administrative assistants in work group 3. One planning and scheduling technician, Mr. Claypoole, is permanently assigned to this unit. Mr. Claypoole has no background as a crafts person. He was previously a laboratory technician. He works a basic forty-hour weekly schedule with some overtime and flexible hours. At the time of the hearing, the other planning and scheduling technician, Mr. Smetona, had been matrixed for four months to this unit from 25-09-05 for the purpose of cross training as a planning and scheduling technician. His cross training function is more closely aligned with the project planner function because he plans work for the metallurgical arm of Department 25 and he estimates and plans non-destructive examinations of various pieces of equipment and schedules modifications work in the plants. The planning and scheduling technician classification was previously in 25-08-0B, and excluded from the production maintenance unit in 1996.

The planning and scheduling technicians perform outage management by coordinating and planning mobile maintenance manpower with plant personnel to create a master outage schedule. They work in an office environment at Fort Smallwood, but spend about fifty percent of their work hours visiting the plants to walk down the jobs to be performed and to discuss and coordinate schedules for the plant and mobile workforce. The planning and scheduling technician walks down just about every job. When doing so, he regularly interfaces with, consults with and/or deals with plant technicians, project planners and the various mobile maintenance craftsmen in Department 25. When the planning and scheduling technician works in the field, he has office space at a plant service or training building.

Another 25 percent of the time, the planning and scheduling technicians use phone calls or e-mails to coordinate scheduling. The planning and scheduling technician combines the work activities that the project planners and maintenance planners prepare into a master schedule that incorporates the maintenance planning functions for the plant and mobile maintenance work groups. The planning and scheduling technician interacts with the project planners and maintenance planners in the Fort Smallwood Office Complex to perform these functions. He attends a series of progress meetings with various work groups during the morning and provides daily work schedules during the course of an outage. In the afternoon, he attends an outage meeting conducted by the site maintenance and modification administrator, that is also attended by maintenance and project planners and lead craftsmen filling in for supervisors.

The applicable job description states that the planning and scheduling technician prepares logic changes for the critical path method and bar chart schedules. This means that he uses a computer to make changes to the order of work activities for any particular job after coordinating with field supervisors or their designees. The planning and scheduling technician may also interact with the project planners regarding mobile maintenance jobs and with the maintenance planners regarding plant maintenance jobs.

Department 25 has its own safety committee that meets monthly to identify areas in which mobile maintenance can improve on their safety record. Mr. Claypoole serves on this committee, which is made up of machinery mechanics, modification electricians, modification mechanics and former shop technicians (now classified by their primary skill).

On balance, I conclude that the planning and scheduling technicians in 25-00-02 share a sufficient community of interest with production and maintenance employees in the unit found to be appropriate in 5-RC-14907. They spend about fifty percent of their time in the plants walking down jobs, usually with the plant technicians or modifications mechanics involved in the production and maintenance work, and they interface with unit planning employees and plant and mobile craftsmen to coordinate schedules for the plant and mobile workforce. When in the office, they also regularly interface with project planners and maintenance planners, whom I have included in the production and maintenance unit found appropriate in 5-RC- 14907.[7] They share common direct supervision with the project planners, whom I have included in the unit, as explained below. They are paid the same as other weekly unit employees in pay grade 30. In these circumstances, particularly in light of record evidence that this classification has regular and substantial contact in the fossil plants with unit employees concerning the timing and scheduling of production and maintenance work, and performs work that is functionally integrated with unit production and maintenance work, I shall include the planning and scheduling technicians in 25-00-02 in the production and maintenance unit found appropriate in 5-RC-14907.

Project Planners, 25-00-02

There are seven project planners in 25-00-02 in pay grade 31. In 1996, they were project planners in unit 25-08-0B. They report to work between 6 a.m. and 9 a.m. and work flexible hours. They were promoted from a mobile maintenance craft background. See Er. Exh. 107a-g.

As mobile maintenance work is referred to the planning and scheduling unit, a project planner is dispatched to go out to the plant and identify the skills within the mobile maintenance crafts that are needed to complete the work. The project planners spend the majority of their time in the field visiting the plants to document regular maintenance or outage work that needs to be done, or equipment that needs to be repaired. They estimate the costs of the material, rental equipment, and manpower necessary to perform the work or repair the equipment. When performing these primary functions, they interact with plant technicians and sometimes take mobile maintenance craft personnel with them.

After developing an estimate, they plan the sequence of the work on a computer using a gant chart[8] and special project management software called P-3. They use the maintenance management system that contains computerized records of prior jobs. They maintain documents that are useful for providing guidance for planning the current job. They return to the field to monitor the unit employees who are completing the maintenance activities that they have planned. They interact with the plant technicians and mobile maintenance crafts (machinery mechanics, modification mechanics, modification electricians, and shop technicians) to make adjustments to the schedule if there are problems with execution of the work as planned. They input those adjustments back into the software package. They maintain records for use in

[7] Moreover, Mr. Claypoole has regular contact with unit employees because of his safety committee involvement.

[8] A pictorial representation of the work that is going to be taking place using special computer software. The planning and scheduling technician also has the ability to prepare gant charts.

planning future outages. These records are input into the computer system by the senior administrative assistant. The project planners perform supplemental parts planning and procurement and have purchasing authority up to $10,000.

Each of the seven project planners works about two or three outages a year. When not working on an outage, the project planners report to a typical office environment at the Fort Smallwood office area where they have a work cubicle and computer. The former Maintenance and Modifications Engineering Section 25-02-01, now the Technical Services Section 25-02, is also present in that office area. The mobile maintenance crafts have reporting locations at Fort Smallwood (primarily the shops building) when they are not working to the field. As a result, mobile maintenance craftsmen routinely visit project planners at their Fort Smallwood offices to look at or discuss schedules and work assignments, to obtain other information, to pick up small parts, to obtain direction concerning work, or to attend general meetings.

When the project planners leave their home base and go to the field to plan or monitor outages, they have desks in trailers where computers and telephones are hooked up. They disconnect their desktop computers at Fort Smallwood and physically hook them up at desks in trailers at the outage site.[9] The desktop computers provide a communication link for ordering materials and updating progress on the project management software package.

The project planners spend 75 percent of their time in the field monitoring the progress of unit work at the plants, and the remaining 25 percent of their time in the field in the trailer. As noted, the mobile maintenance craftsmen often report to such trailers for work assignments and to access computers for e-mail communications.

When in the field, the project planners also oversee outside contractors, particularly with regard to safety issues. They need to be familiar with various government regulations such as OSHA regulations and MOSHA regulations, but the nuclear plant is responsible for compliance with NRC regulations. The project planners do some planning for jobs at Calvert Cliffs. They integrate the major machinery and steam weld modifications work into the outage plan that is controlled by CCNPP because of the need to comply with Nuclear Regulatory Commission regulations. The planning process for the spring refueling outage at Calvert Cliffs begins about one year before the actual work takes place, and the project planners may visit the nuclear plant for meetings, walk downs, training, and to answer questions during this planning process.

When the planning and scheduling unit is overloaded, mobile maintenance crafts such as modification mechanics, machinery mechanics, or modification electricians perform voluntary work as backup project planners. For example, during the spring of 1998, modification mechanic, Michael Antonio, from the steam generator group, served as a backup planner. From the fall of 1998 until the spring of 1999, steam generator modification electrician, William Mathes, was used as a backup planner. In the spring of 1999, machinery mechanic, Wayne Ferenc, was used to plan and schedule the Gould Street outage and planned and scheduled the Crane outage for 2000. During the summer of 1999, machinery mechanic, Doug Layne, served as a backup planner. For short durations in the spring of 1998 and 1999, machinery mechanic, Mark Christopher, was used to prepare for outages at Westport. Modifications mechanic, Mark Smith, helped prepare estimates during the 1999 spring and summer. Brian Capecci, who is a modification mechanic in the steam generator unit, was temporarily promoted into the project planner position for about 10 months during 1999 until December 6, 1999, because of the need

[9] At the time of the hearing, the Employer has not fully upgraded to laptop computers.

for additional manpower to plan and schedule several outages concerning boiler modification and piping modification work. He is now back in mobile maintenance as a modification mechanic.

Similarly, during periods of high demand or need, when the mobile maintenance groups are shorthanded, the project planners will perform voluntary weekend overtime work or mid-week breakdown work as craft personnel. For example, in 1999, Capecci worked as a steam generator mechanic on a generator breakdown on at least two occasions for about two days. Two of the seven full-time regular planners engaged in weekend overtime work during 1999. Project planners receive the last choice to work unit overtime and weekend coverage. Project planner Dill worked weekend coverage at Crane and Brandon Shores outages as a machinery mechanic. Project planner Queen worked as a machinery mechanic and is scheduled to work as a machinery mechanic during the Calvert Cliffs spring outage in 2000. On these occasions when the project planners worked as machinery mechanics, the project planners were supervised by the same supervisors that supervised other mobile maintenance craftsmen. Temporary project planner Capecci and project planners Dill and Queen have worked a combined total of about twenty weekends a year. The record establishes that project planner Horne performs planning for the Department 25 fabrication shop, but does not perform the work of the former shop technicians (now welders or modifications mechanics, depending on their primary skills, as stipulated to by the parties).

The mobile maintenance crafts (major machinery mechanics, steam generator modification mechanics, modification electricians, former shop technicians, machinists and welders) and project planners attend the same annual requalification training classes during the summer that are taught by the Fossil Training Unit. See e.g., Er. Exh. 108. Similarly, they attend former divisional and department wide meetings, department picnics, former FED dinners, and department and former divisional safety meetings together.

I conclude that the project planners in 25-00-02 share a community of interest with production and maintenance employees, particularly mobile maintenance craftsmen, and should be included in the production and maintenance unit found to be appropriate in 5-RC-14907. The project planners spend most of their time in the plants performing maintenance planning tasks that are functionally integrated with unit production and maintenance work. They have regular and substantial contact with plant technicians and mobile maintenance crafts (machinery mechanics, modification mechanics, modification electricians, and former shop technicians). The record reflects regular temporary interchange between the project planners and the mobile maintenance crafts. They share immediate supervision with the planning and scheduling technicians in 25-00-02, whom I have included in the unit. They were promoted from and progressed up through mobile maintenance craft backgrounds. In these circumstances, I shall include project planners in 25-00-02 in the production and maintenance unit found appropriate in 5-RC-14907.

Senior Administrative Assistants, 25-00-02

There are four senior administrative assistants in pay grade 26 in 25-00-02. They are Alex Williamson, Bob Beverage, Sandra Townes and Lisa Jones. They were previously called unit support clerks in 25-08-01 or 25-08-0B. They report to the first floor of the Fort Smallwood Office Complex. They have reporting time flexibility between 6 and 9 a.m. They spend a majority of their time in the office. Townes and Jones spend about 90 percent of their time in the office. Williamson and Beverage, however, sometimes travel to plants to deliver materials or to

communicate benefit information to Department 25 crafts. Williamson and Beverage also occasionally travel to Calvert Cliffs to facilitate security screening.

The senior administrative assistants provide the crafts with support and clerical services from mail to payroll. They use typical office equipment such as fax and photocopy machines. They facilitate time keeping for everyone in Department 25 by inputting data into the time entry and payroll system. They attempt to resolve paycheck discrepancies. They file outage documents and travel and expense forms for mobile maintenance personnel.

The senior administrative assistants schedule and coordinate training classes for mobile maintenance groups and they record and document the taking of the respirator fit tests. The respirator fit test for mobile maintenance employees is performed by senior administrative assistants in this unit as part of annual re-qualification. For example, Ms. Jones and Mr. Beverage assist safety specialists by conducting fit tests for respirators for mobile maintenance employees at a trailer located outside the Fort Smallwood shops area. They attended a respirator fit test class sponsored by Calvert Cliffs that specifically dealt with nuclear regulations. Sandra Townes takes and posts minutes from Department 25 safety meetings.

I conclude that the senior administrative assistants in 25-00-02, like their counterparts in the production plants, are office clerical employees who do not share a community of interest with production and maintenance employees included in the unit found to be appropriate in 5-RC-14907. Although they may have fairly regular contact with some unit employees, they have different skills and functions than production and maintenance employees and work exclusively in an office environment performing clerical tasks such as data entry, filing and payroll. In addition, they do not interchange with any unit employees, and they do not perform work that is functionally integrated with unit production and maintenance work to any significant extent. In these circumstances, I shall exclude the senior administrative assistants in 25-00-02 from the production and maintenance unit found appropriate in 5-RC-14907. See Power, Inc. 311 NLRB 599, 608 (1993), aff'd, 40 F.3d 409 (D.C. Cir. 1994) (excluding as office clericals employees who answered questions from field employees about pay, insurance or compensation and who sometimes spoke to other employees concerning purchase orders and shipping); Mitchellace, Inc., 314 NLRB 536, 536-37, enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites and Polymers Co., 313 NLRB 1105 (1994); Jackel Motors, 288 NLRB 730, 742 (1988); Container Research Corp., 188 NLRB 586, 587 (1971). See also Westinghouse Electric Corp., 118 NLRB 1043 (1957); Hygeia Coca-Cola Bottling Co., 192 NLRB 1127 (1971); Idaho Power Company, 126 NLRB 547 (1960).

Technical Services Section, 25-02 (former Maintenance & Modifications Engineering Sec. 25-02[10] and former Technical Services Section 25-09)

After the close of the hearing, the parties stipulated to the following four paragraphs:

The Maintenance & Modifications Engineering Section (25-02) and the Technical Services Section (25-09) were combined to form the Technical Services Section (25-02). The responsibilities of this section, the job classifications therein, and all job duties have not changed as in the former organizations and as was presented in the hearing.

[10] The former Maintenance & Modifications Engineering Section is responsible for engineering modifications to the generation plants and plant systems.

Several units were combined as a result of the merging of the Maintenance & Modifications Engineering Section (25-02) and the Technical Services Section (25-09):

The Generation Protection & Control Unit (25-02-06) was combined with the Electric Test Unit (25-02-0C) to form the Electric Test & Generator Protection Unit (25-02-0C). The responsibilities of the unit, the job classifications therein, and all job duties remain the same as in the former organizations and as was presented in the hearing.

The Chemistry Unit (25-09-02) was combined with the Materials Engineering &Analysis unit (25-09-05) to form the Chemistry & Materials Engineering and Analysis Unit (25-02-09). The responsibilities of the unit, the job classifications therein, and all job duties remain the same as in the former organizations and as was presented in the hearing.

Electrical & Controls Engineering Unit, 25-02-03, Prin. Engineer-Tom Stevenson

This unit basically supplies engineering, design and drafting services for modifications to electrical control systems in the fossil plants. The scope of work includes control system change-outs, electrical component purchases, and oversight of maintenance of the continuous emissions monitoring systems.

Mechanical/Civil Engineering Unit, 25-02-04, Prin. Engineer-C. Paul Gunzelman

This unit provides mechanical and civil engineering design for modifications to mechanical systems in the fossil plants. This unit is responsible for all piping, compressors, and pumps that require mechanical services. This unit also designs platforms and foundations from a civil engineering perspective.

The Employer contends that the designers, senior drafter, and engineering technicians in 25-02-03 and 04 should be included in any production maintenance unit found appropriate in 5-RC-14907 based on community of interest criteria. The Petitioner would exclude these classifications. The parties agree that all other employees in these two units are excluded from an appropriate unit.

Designer, 25-02-03
Senior Drafter, 25-02-03
Designers, 25-02-04

There are two **designers**, Mark Nalley and Pat Overfield, in 25-02-03. There are two **designers**, Robert Mayes and Richard Twiddy, in the Mechanical/Civil Engineering Unit, 25-02-04. The designers are in pay grade 31. They report to work on the first floor of the Fort Smallwood Office Building, a typical office environment. They work from 8 a.m. until 4:30 p.m. and have flex time. They are supervised by the principal engineer. They work as part of a team and are responsible for the design and drafting of detailed engineering drawings of electrical systems and components or mechanical and civil engineering projects for the fossil plants using the CADD (Computerized Assisted Drafting and Drawing) system. They do not perform any design work for Calvert Cliffs because there is a different set of standards and qualifications required by the Engineering Group at Calvert Cliffs that are dictated by NRC regulations.

A basic qualification for this classification is two years of experience using a CADD system. The designer must also have two years of post-high school education and eight years experience in design, engineering and drafting, or the equivalent combination of formal education, training and experience. The designers use drafting instruments such as the archaic pen and pencil, rulers and T-square triangles. They also use technical reference materials and various research codes and vendor books concerning civil and mechanical engineering that are also used by the engineers, engineering technicians and senior drafters.

During the design phase, they contact engineers, vendors and agencies. They sometimes function as project leaders and direct others in the development of design details and engineering drawings. They perform no work for the CCNPP. They spend about 10 percent of their time in the design process visiting the plants to make sure the fit, form and function of the design is going to meet the requirements of the plant system. During construction phases, the designers make themselves available in the field if there are problems with the design. At that point, they may modify the design to meet changed requirements. The designers, however, spend no more than ten percent of their time actually in the plants. When they are in the plants, they may have contact with the "system owner," who could be anyone from a General Supervisor to a Plant Technician. Bargaining unit personnel testified stated that they had little, if any, contact with these designers.

The designers need either two years post-high school education and eight years experience in the appropriate design, engineering and drafting area (mechanical, civil/structural, electrical, or instrumentation and controls), or the equivalent combination of formal education/training or experience. The designers also need two years experience using the CADD system. The designers attend design classes given by vendors of systems used by the Employer, such as Westinghouse. They are required to pass the Technician Occupation Selection System Test (TOSST). The job histories for all four designers indicate that their backgrounds are largely limited to drafting and design work and do not include physical craft work. Er. Exh. 113A-B and 115A-B.

The **senior drafter** in the electrical and controls unit in 25-02-03 is Marie Barr. She is pay grade 29. Her hours are typically 8 a.m. to 4:30 p.m. She has flex time depending on operational requirements. She reports to work at a cubicle on the first floor of the Fort Smallwood Office Building, where the designers, engineering technicians, and engineers also report to work at cubicles. The senior drafter, like the designers, is supervised by a principal engineer, who also supervises engineering technicians at issue herein, and engineers who are excluded from the unit. The senior drafter spends 90 percent of her time in the office at her cubicle, just like the designers. These cubicles contain large TV screen-type monitors attached to computers for the CADD computer system software. The senior drafter translates designs concerning electrical, mechanical and civil-type work that she receives from the designers, engineering technicians and engineers to drawing form. She uses the CADD system or does this by hand. She creates the labeling on the drawings. There is no post-high school degree requirement for this classification. Senior drafters take some technical design courses that are given by the in-house training unit or by vendors. The difference between the designer job and the senior drafter position is one of experience and technical expertise. The designers have more experience and technical expertise than the senior drafter.

I conclude that the designers in 25-02-03 and 04 and the senior drafter in 25-02-03 do not share a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. They have different skills and functions that are highly specialized

and technical. They are separately supervised by and work with engineers. They work primarily in an office environment with sophisticated computerized drawing equipment. They do not regularly interchange with unit employees and do not have regular or substantial contact with them. In these circumstances, I shall exclude designers in 25-02-03 and 04 and the senior drafter in 25-02-03 from the production and maintenance unit found appropriate in 5-RC-14907. Power, Inc., 311 NLRB 599, 608 (1993); Capitol Temptrol Corp., 243 NLRB 575, 585-86 (1979); Maryland Cup Corp., 171 NLRB 367, 369 (1968).

Engineering Technicians, 25-02-03 and 25-02-04

The engineering technicians are in pay grade 30. The engineering technician in the Electrical and Controls Unit 25-02-03 is Gary Dunevant. The engineering technician in the Mechanical/Civil Engineering Unit 25-02-04 is Ron Lewis. They have work stations in the Fort Smallwood office complex on the first floor. Like the designers, the engineering technician are given assignments as part of a project team to design or fulfill a technician-type function.

Mr. Dunevant performs various technical tasks, including engineering calculations, alignment design, and minor design work for power and control circuits. He is cross-trained in the computer assisted drafting and design system (CADD) and performs some of the same functions as the designer. He performs calibration and testing work in the field with engineers on electrical control devices such as transmitters or meters. He uses typical tools in an electrician's bag, pliers, screwdrivers, and meters. He prepares a parts list based on the engineering package of drawings and plans that are used by the project planners in 25-00-03 to estimate manpower needed for new projects or modifications. This engineering package is then turned over to the plant technicians or modifications electricians to perform the work. He writes stock orders and prepares purchasing documents for buying parts. He orders non-stock parts needed as part of the engineering package. Dunevant spends between 10 and 20 percent of his time in the plants, particularly during the start up phase of new projects. While at the plants, he interacts with plant technicians (industrial wastewater treatment technicians, primary skilled electricians and instrument and control technicians), general supervisors or modifications electricians in mobile maintenance (major machinery). During the start up phase, the engineering technician performs calibration checks to ensure a safe and reliable start up of the system. He operates as a communication conduit between the construction force and designer or engineer. Mr. Dunevant was a plant operator for two and one-half years and then an acting supervisor in Department 25. The record establishes that his familiarity with plant systems is of benefit to his performance of engineering technician duties.

Mr. Lewis is involved in the actual installation of gauges, tubing, and equipment related to the temperature and pressure of various water, air and steam-type systems and components. He engages in performance testing of the mechanical equipment in these systems using basic hand tools such as wrenches, screwdrivers, and pliers. He is a welding coordinator and is certified to write welding authorization travel (WATs) procedures[11] for constructing various piping, pressure, or structural supporting systems. This WAT establishes the procedure for each weld and it becomes part of the engineering package that goes to the planner and work crew. Lewis has received classroom training in welding. Like Dunevant in 25-02-03, Lewis spends

[11] A WAT is a document written in accordance with codes that establishes the procedure for the welder to follow such as the non-destructive examination and geometric requirements for each weld.

between 10 and 20 percent of his time in the plants and he is cross-trained to make detailed drawings from CADD. Both engineering technicians have attended CADD classes.

Both engineering technicians in 25-02-03 and 04 are cross-trained on the CADD system and have attended CADD classes. They prepare a list of parts and materials needed for projects and arrange for the procurement of spare parts needed by the generating plants. They consult records from prior or similar projects when this may be helpful. They have no purchasing authority. They plan maintenance orders. They report to different principal engineers in their respective units. These principal engineers supervise other engineers and the designers or senior drafter, whom I have excluded from the unit. On occasion, the engineering technicians work with their tools doing the same type of work that plant technicians perform such as installing gauges and tubing or performing calibrations on transmitters. The engineering technicians work from 7 a.m. to 3:30 p.m., with flex time as operating conditions permit. They may prepare trend plots of temperature pressures that change with the load of a particular piece of equipment. These trend plots are submitted to the engineer in their respective units. The engineering technicians have basic low-level engineering skills. They prepare written reports and assist the engineers in revising prepared reports. They must maintain certification in accordance with predictive engineering standards. They must have successfully completed post high school courses in engineering, mathematics, and physical sciences and technical-oriented studies or possess an equivalent combination of formal, education, and training.

I conclude that the engineering technicians do not share a sufficient community of interest with production and maintenance employees to be included in the unit found appropriate in 5-RC-14907. I find that they share a closer community of interest with the engineers and designers who have been excluded from the unit. Like the designers, the engineering technicians receive assignments as part of an engineering project team. They spend only about 20% of their time in the field. Although they occasionally perform calibration and testing on plant equipment and work with basic hand tools when in the field, this work is less than one-fifth of their job function and they are often accompanied by engineers, an excluded classification, when performing this work. The engineering technicians in 25-02-03 and 04 have separate supervision from unit employees. They report to principal engineers, who supervise other engineers and the designers or senior drafter, whom I have excluded from the unit. They do not regularly interchange with unit employees. They prepare trend plots and written reports for engineers. Like the designers and senior drafter, they are trained to utilize the CADD system. In general, they perform more technical functions and use more technical skills than unit employees. The small amount of work that the engineering technicians may actually perform with tools, does not create a sufficient community of interest with production and maintenance employees. As the Board recognized in Container Research Corp., 188 NLRB 586 (1971), the fact that engineering personnel occasionally work along side production and maintenance employees in the start-up phases of jobs, and have further contact with such employees at other stages of the project, does not create a community of interest sufficient to warrant including engineering personnel in a production and maintenance unit. 188 NLRB at 588. See also Duke Power Co., 174 NLRB 240, 242 (1968) (engineering clerks, who chiefly assist engineers by making load studies and assisting in design projects, and who spend only 10-15 percent of their work time in contact with unit employees, do not possess the requisite community of interest with unit employees to require their inclusion in the unit). In these circumstances, I shall exclude the engineering technicians in Mechanical/Civil Engineering and Electric and Controls Engineering from the production and maintenance unit found appropriate in 5-RC-14907.

Predictive Maintenance Engineering Unit, 25-02-08 (formerly 25-09-03), Principal Engineer-Terri Spicher

After the close of the hearing, the parties stipulated to the following paragraph: The Predictive Maintenance Engineering Unit (25-09-03) is now the Predictive Maintenance Engineering Unit (25-02-08). Other than a change to its section and unit identification number, the responsibilities of the unit, the job classifications therein, and all job duties remain the same as in the former organization and as was presented in the hearing.

The Predictive Maintenance Engineering Unit is divided into three working groups: the performance test unit, the predictive maintenance engineering unit, and the metrology lab.[12] The performance test unit performs thermal performance tests on major pieces of power plant equipment. The two primary tests are vibration analysis tests and lube oil tests. The maintenance philosophy has changed from a preventive maintenance philosophy, where everything was time-based, to a predictive maintenance philosophy, where vibration and lube tests are applied. The performance test unit uses portable instrumentation to measure pressure and temperature flows on the turbines, boilers, feedwater heaters, air compressors, and cooling towers. The unit averages about 50 tests per year. A typical test takes one week. The predictive maintenance engineering unit provides assistance to the plants for monitoring over 1,200 pieces of rotating equipment. About 80 percent of the issues dealt with by this unit are routine. The metrology lab calibrates instruments for the plants.

The Petitioner does not seek to represent any classifications in this unit. The Employer contends that the PDM technicians, performance instrument technicians, and senior administrative assistant should be included in an appropriate production and maintenance unit based on community of interest criteria. The parties agree that all other classifications in this section should be excluded from any production and maintenance unit found appropriate.

PDM Technician, 25-02-08 (formerly 25-09-03)

All plant work related to predictive maintenance is handled by the plant PDM technicians, whom I have included in the production and maintenance unit for the reasons explained above. If the plant PDM technician cannot handle the problem, he calls the predictive maintenance unit in 25-02-08 (formerly 25-09-03). The plant PDM technician is the point of contact for the entire unit in 25-02-08 (formerly 25-09-03). The plant PDM technicians call the PDM technicians in the predictive maintenance unit every day because of the volume and complexity of the work.

Basically, the PDM technicians in 25-02-08 (formerly 25-09-03) perform vibration tests and calibrate test instruments and equipment used by plant technicians and mobile maintenance craftsmen. Vibration tests are used to reveal potential problems with machinery or equipment. The PDM technicians also perform heat rate and other tests used to reveal potential problems.

[12] The PME unit has performed predictive maintenance work for outside companies such as GAF, National Gypsum, and Arundel Quarry. Typically, an engineer and a PDM technician (or a mobile electrician or mobile mechanic who has been cross-trained as a PDM technician) visit the company site to perform the predictive maintenance work. The unit charges the outside companies for costs plus a certain percentage above costs.

The PDM technicians are in pay grade 30. They report to the second floor office area at Fort Smallwood. This office area is air-conditioned, heated and carpeted. Various engineers and other excluded classifications in 25-02-08 (formerly 25-09-03) also work in this area. The PDM technicians are supervised by the senior engineer, who also supervises engineers and engineering analysts.

In 1996, the PDM technicians were classified as engineering technicians in 25-09-03. Essentially, their job duties have not changed since 1996. The same individuals who were the engineering technicians in 1996 are the PDM technicians today. Tom Zellers is the PDM technician in the performance test unit. Jim Brackett is the PDM technician in the predictive maintenance engineering group. Zellers normally works 7 a.m. to about 5:30 p.m. Monday through Thursday, and as needed on nights and weekends. Brackett works 6 a.m. to 3:30 or 4 p.m. for four days one week, and five days the next week. He is also on call frequently. Brackett was taken off a four ten-hour day schedule because that schedule did not meet plant needs.

Zellers is the PDM technician in the performance test unit. He spends about 80 percent of his time in the plant. He and an engineer travel on each thermal performance test performed by the performance testing unit on plant equipment. Every piece of plant equipment gets tested every quarter. The tests take about eight hours to complete. During the performance tests, the engineer is typically in the control room with the control room operators.

All tests are performed when the unit is running. If the PDM technician detects a problem, he reports to the plant PDM technician, who then informs the maintenance supervisor or the shift supervisor. The PDM technician is responsible for hooking up the calibrated instrumentation from the performance testing unit to equipment or machinery that will be tested at the plant. To do so, he must obtain tags from the plant technician, who is working as the tagging coordinator in the plant. To set up instruments in the plants, the PDM technician uses tools from a standard tool box. Certain tests that the PDM technician performs require that a plant technician, who is a primary skilled operator, work side-by-side with the PDM technician. In these instances, the plant technician checks to make sure that when certain transmitters are cut, other transmitters are not affected, or checks to make the sure that equipment being tested does not interfere with the running of the turbine.

The PDM technician in the performance test unit also works with the PDM technician at the plant to help run pump tests. Each plant PDM technician is responsible for testing about 25 pumps a year. The PDM technician in 25-02-08 (formerly 25-09-03) will help the plant PDM technician perform the pump tests, especially when conducting vibration analysis. The PDM technician works closely with the PDM technicians in the plant when taking vibration data from plant machinery and equipment. Most of the vibration instruments are technical enough that the analysis is done out in the field at the site of the equipment. Sometimes the PDM technician is required to take off shields to reach a bearing. He also does a lot of valve testing. The PDM technicians are asked about once a week by maintenance supervisors to check a valve.

Seven plant technicians were trained on how to take vibration data in a training class taught by the senior engineer and the PDM technicians in 25-02-08 (formerly 25-09-03) during the summer of 1999. The tools used by the plant PDM technicians generally are the same as those used by the PDM technicians in 29-09-03 when performing predictive maintenance work, however, there are instruments that plant technicians use in the course of their non-PDM duties that PDM technicians would not use.

The PDM technicians in 25-02-08 (formerly 25-09-03) perform routine technician duties at the Gould Street and Riverside plants and the combustion turbine facilities where there is no plant PDM technician. About 50 percent of their time is spent at these facilities in the summer, and they maintain their responsibilities for the Brandon Shores, Wagner and Crane PDM program. Although plant PDM technicians have been trained to take vibration data, the PDM technicians in 25-02-08 (formerly 25-09-03) still visit Crane, Gould Street and Riverside to assist the plant PDM technicians, either because of the volume of the work, or because a unique problem requires their expertise. The PDM technicians in 25-02-08 (formerly 25-09-03) also perform other tests such as lube tests at the combustion turbine facilities. As part of the lube oil test, the PDM technicians go to the equipment and extract lube oil and send it to the chemistry lab for analysis. Other tests are run on air compressors and valves. The plant technicians who are being cross-trained in 25-02-08 (formerly 25-09-03) also take vibration and lube oil data and assist with a pump test.

Brackett, the PDM technician in the predictive maintenance unit, spends about 70 percent of his time in the plants. The other time is spent attending administrative meetings, attending training class and performing analysis. The PDM technician in the predictive maintenance unit performs tests on pumps and valves and performs some mechanical work. After every outage, he will work with the mobile mechanics to install the balance shot (a method to balance equipment by welding weights) and the torquement. The majority of the time, he works with a plant technician (primary or secondary skilled mechanic) or a mobile maintenance mechanic to install balance shots or weights.

Last year, the predictive maintenance unit balanced 7 turbines and five fans. This work required physically dismounting the machinery or equipment, installing the balance shot, and reassembling the machinery or equipment. Usually these projects last about a week, during which time the PDM technician interacts with the mobile machinery mechanics and former machine shop technicians. For example, the PDM technician gathers data when the unit is running by using instrumentation that is online at the plant and then checks the vibration when the unit comes down. He will then consult with the machinery mechanics about the data and make sure that he is familiar with all the work that has been done on the machinery. The PDM technician will then attempt to calculate the proper size of the balance shot and then visit the machine shop at Fort Smallwood to have the weight made. Thereafter, the PDM technician will work with the machinery mechanics to install the weight or balance shot, which usually lasts at least one eight-hour shift.

When Department 25 provides assistance to other companies, a PDM technician from the performance engineering group goes out with the engineers as a team. The PDM technician will work with the engineers. The PDM technician in the predictive maintenance unit also interacts with the engineers and the engineering analyst. The PDM technician works very closely with these excluded classifications and takes a lot of direction from the engineering analyst who is responsible for vibration. At times, the engineers will go out with the PDM technician to do the testing, particularly with mobile maintenance craftsmen, who are being cross trained as PDM technicians and have less experience than the permanent PDM technicians in 25-02-08 (formerly 25-09-03). Usually, however, the PDM technician in the predictive maintenance engineering unit goes out to perform testing by himself.

The PDM technician performs analysis in the office about 10 percent of the time, during which time he is working side by side with the engineer. When he is out in the field, the engineer

may give direction to the PDM technicians, but generally the PDM technicians are independent and prepare most of their own reports.

At the time of the hearing, two major machinery mechanics and one mobile maintenance modifications electrician were cross training indefinitely in the predictive maintenance unit. The two major machinery mechanics have been cross training as PDM technicians since May 1999 in order to learn predictive maintenance as a secondary skill. A mobile maintenance modifications electrician has been cross training in thermography in order to obtain a secondary skill as a PDM technician. This cross training for the mobile electrician has occurred for about four to six months a year, for the past three years. Each of the cross-trained mobile maintenance craftsmen are sufficiently qualified to independently respond to a PDM call from the plant. All three respond to calls that otherwise would be responded to by the PDM technician in 25-02-08 (formerly 25-09-03). In fact, the mobile maintenance modifications electrician has gone out on PDM jobs by himself. When these mobile maintenance craftsmen return to their permanent craft as a machinery mechanic or electrician, they do not perform predictive maintenance or performance test work.

The cross-training rotational program is not posted, but is open to both plant employees and the mobile maintenance employees. Approximately seven other mobile maintenance craftsmen or plant technicians have had temporary assignments in 25-09-03 since 1991. The majority, if not all, of the current PDM technicians were former plant mechanics trained in 25-09-03. The purpose of the cross training is to move trained employees into the PDM technician positions at the plants.

I conclude that the PDM technicians in 25-02-08 (formerly 25-09-03) share a community of interest with other unit employees in 5-RC-14907 who perform production or maintenance work on plant machinery and equipment. They spend most of their time in the plants testing and maintaining machinery and equipment. The current record, unlike the record in 1996, establishes that they have regular and substantial contacts with unit employees. For example, the PDM technician in the performance test unit works closely with the plant PDM technicians to take vibration data from plant machinery and equipment and to perform numerous pump tests. The PDM technician in the predictive maintenance unit performs tests on pumps and valves, performs some mechanical work, and regularly works with plant technicians with primary or secondary mechanic skills or mobile maintenance mechanics to install balance shots or weights. In short, the PDM technicians in 25-02-08 (formerly 25-09-03) work side-by-side with plant technicians when performing work that is functionally integrated with unit work, and with plant technicians and mobile maintenance craftsmen employees who are cross training in the predictive maintenance engineering unit. In addition, the record establishes that their work is essential to, and functionally integrated with, the production and maintenance work of unit employees. They are paid the same weekly wage as other included classifications such as the plant PDM technicians. In these circumstances, notwithstanding their supervision by the senior engineer and significant contact with engineers and the engineering analyst, I shall include the PDM technicians in 25-02-08 (formerly 25-09-03) in the production and maintenance unit found appropriate in 5-RC-14907.

Performance Instrument Technician, 25-02-08 (formerly 25-09-03)

The two performance instrument technicians are in grade 28. They are the same two performance instrument technicians that were in 25-02-08 (formerly 25-09-03) in 1996. Their job duties essentially have not changed since then, although one of the performance instrument

technicians is co-chair of the Fort Smallwood "FEARNOT" Committee. One performance instrument technician works from 6 a.m. to 3:30 p.m., the other from 7 a.m. to 3:30 p.m. They work flex time, much like the PDM technicians in this unit, and they take turns "on call."

The performance instrument technicians work in cubicles inside the metrology lab in the Fort Smallwood shops building on the first floor. The metrology lab is next to the metallurgical lab and the chemistry lab. They are primarily responsible for calibrating instruments in the metrology laboratory and assisting PDM technicians in setting up and using such instruments to perform testing in the field. They calibrate and repair instruments related to pressure, temperature, hand-held electronic calibrators, digital volt meters and oxygen analyzers that are used by the plant technicians and mobile maintenance craftsmen. If the instrument is used for pressure or temperature, the performance instrument technicians often speak to the plant technicians in the INE shops to make sure the requirements are correct. They calibrate oxygen analyzers for Brandon Shores and Wagner and charge the appropriate accounts. During the year or so prior to the hearing, the various generating plants asked the performance instrument technicians to calibrate over 2,000 instruments.

The performance instrument technicians calibrate instruments according to time-based maintenance orders that are issued by the plant maintenance system. The performance instrument technicians complete the order and return it through the system. They also pick up, test, and deliver instruments from the plants, such as various meters, thermocouples, and gas analyzers. Every day, the performance instrument technicians pick up instruments that are in need of calibration at the INE shops in the plants. At times, they also pick up tools from the tool room or the control room. The performance instrument technicians in 25-02-08 (formerly 25-09-03) also perform calibration for equipment and instruments used by mobile maintenance mechanics. After instruments or tools are calibrated and worked on in the metrology lab, they are redelivered to the plant or mobile maintenance work forces.

The Crane plant prefers to calibrate its own oxygen analyzers. The Crane plant technicians, with primary skills in instrument and controls, calibrate instruments at the INE shop at Crane. The Crane INE shop has the same calibration equipment found in the metrology lab. The performance instrument technicians use standard tools that are bought for mechanics, such as pliers, hammers, and wrenches, to perform instrument calibrations.

The performance instrument technicians spend about 10 percent of their time at the plants. The balance of their time is at the Fort Smallwood shops building. When at the plants, they perform tasks beyond picking up and delivering the instruments each day. They spend about 5-15 percent of their time assisting the PDM technicians in 25-02-08 (formerly 25-09-03) with setting up performance tests on an as-needed basis. When doing so, they go out into the plant with the PDM technician to run tubing or hook into source valves. Generally, however, it is more cost-effective for the performance instrument technicians to calibrate the plant instruments than it is to have them help the PDM technicians with performance tests.

The basic qualifications in the applicable job description for the performance instrument technicians require successful completion of post-high school courses in the sciences or in technically oriented subjects, although a post-high school degree is not required if the applicant has equivalent training and experience. The performance instrument technicians are trained to calibrate instruments in accordance with national standards. The performance instrument technicians have gone to the National Institute of Standards in Technologies, headquartered in

Gaithersburg, Maryland, to obtain training. They have not, however, received any certification from this Institute.

I conclude that performance instrument technicians share a community of interest with other bargaining unit employees in 5-RC-14907, who perform production or maintenance work on plant machinery and equipment. The performance instrument technicians perform instrument calibrations using basic hand tools that are used by other unit employees, including plant technicians, PDM technicians, and mobile maintenance craftsmen. They calibrate instruments according to time-based maintenance orders that are issued by the plant maintenance system. They have regular contact with unit employees. Their work is essential to, and functionally integrated with, the production and maintenance work of unit employees. The Crane plant technicians with primary skills in instrument and controls perform the same calibration work at the INE shop at Crane. When not performing this functionally integrated calibration work, the performance instrument technicians assist PDM technicians, whom I have included in the unit, with performance testing on plant machinery and equipment. They are paid comparably to other classifications in the fossil plants such as coal equipment technicians or senior marine technicians, who are included in the unit. Therefore, I shall include the performance instrument technicians in 25-02-08 (formerly 25-09-03) in the production and maintenance unit found appropriate in 5-RC-14907.

Senior Administrative Assistant, 25-02-08 (formerly 25-09-03)

The senior administrative assistant in 25-02-08 (formerly 25-09-03) is Kathy Castle. She is in pay grade 26. She works on the second floor of the Fort Smallwood office building. She is in work group 1. No other employees in the Predictive Maintenance Engineering Unit are in this work group. She spends about 95 percent of her time in the office. She has a flexible work schedule and normally works 6:30 a.m. to 3 p.m.

This position was previously classified as a unit support clerk in 1996. In 1996, the unit support clerk primarily assisted the principal engineer and performed more administrative work than currently. Principal Engineer Terri Spicher testified that the senior administrative assistant now has more technical responsibilities to help each work group than she had in 1996. Spicher explained that this was largely because of Castle's background as a unit support clerk in mobile maintenance, where she purchased materials. The senior administrative assistant makes bar codes and uploads the lube oil database each month for the predictive maintenance work group. This data is given to management to inform them as to how much money has been saved in parts and materials. The senior administrative assistant coordinates all reports, compiles final documentation, and performs filing and simple number-crunching functions for the performance engineering group.

The senior administrative assistant spends the majority of her time working for the engineers. About 40 percent of her time is spent working directly for the principal engineer in the Predictive Maintenance Engineering Unit 25-02-08. She arranges meetings for the principal engineer and sends out her e-mail. She performs research on the Internet. The senior administrative assistant prepares the budget for the principal engineer and performs a lot of data manipulation using Excel spreadsheets. The senior administrative assistant has purchasing authority, with a credit card limit of $10,000. She is responsible for everything she orders, although all purchases are approved informally by the principal engineer.

I conclude that the senior administrative assistant in 25-02-08 (formerly 25-09-03) is an office clerical employee who does not share a community of interest with unit employees in the production and maintenance unit found appropriate in 5-RC-14907. This classification has different skills and functions than unit employees and works exclusively in an office environment primarily performing clerical tasks or administrative functions. She has separate supervision from production and maintenance employees and does not interchange with them, nor does she perform work that is functionally integrated with unit production and maintenance work. In these circumstances, I shall exclude the senior administrative assistant in 25-02-08 (formerly 25-09-03) from the production and maintenance unit found appropriate in 5-RC-14907. Mitchellace, Inc., 314 NLRB 536, 536-37, enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites and Polymers Co., 313 NLRB 1105 (1994); Westinghouse Electric Corp., 118 NLRB 1043 (1957); Hygeia Coca-Cola Bottling Co., 192 NLRB 1127 (1971); Idaho Power Company, 126 NLRB 547 (1960).

Chemistry & Materials Engineering and Analysis Unit, 25-02-09, former Chemistry Unit (25-09-02) combined with the former Materials Engineering & Analysis Unit (25-09-05)

The former Technical Services Section 25-09 has three units: Chemistry, 25-09-02, headed by a principal engineer with about 13 employees; Predictive Maintenance Engineering, 25-09-03, headed by a principal engineer with about 14 employees; and Materials Engineering and Analysis, 25-09-05, headed by a principal engineer with about 21 employees. The former Technical Services Section provides chemistry, nondestructive examination and predictive maintenance services to the plants and FEMD. It provides approximately 95% of its services to the former Fossil Energy Division itself, and provides the remaining 5% to the former Nuclear Energy Division.

The former Materials Engineering & Analysis Unit 25-09-05 provides various materials testing, failure analysis, materials recommendations, and non-destructible testing services to the fossil plants and the nuclear plant, as well as to other organizations. It also provides training in non-destructive examination (NDE) forms of testing.

As noted above, after the hearing, the parties stipulated to the following paragraph: The Chemistry Unit (25-09-02) was combined with the Materials Engineering &Analysis unit (25-09-05) to form the Chemistry & Materials Engineering and Analysis Unit (25-02-09). The responsibilities of the unit, the job classifications therein, and all job duties remain the same as in the former organizations and as was presented in the hearing.

The reorganized Chemistry & Materials Engineering and Analysis Unit 25-02-09 includes one weekly position, welder, whom the parties agree should vote. It also includes several weekly positions whom the Petitioner would exclude from, and the Employer would include in, any appropriate CPSG production and maintenance unit: laboratory technician, PDM technician, performance instrument technician, metallurgical technician, planning and scheduling technician, NDE technician, NDE Examiner, and senior administrative assistant.

The chemistry unit is located on the second floor of the Fort Smallwood Road Complex shops building where the welding lab, mechanical lab, electrical and INC lab are located. As noted, the metallurgical lab, machine shop, fabrication job, and locker rooms are located on the first floor. The chemistry unit provides sample analysis and engineering consulting services to support environmental compliance and process control activities to CPSG, BGE and CCNPP.

The unit also attempts to control the corrosion of power plant components that are exposed to water and steam. In CPSG or the former FED, the chemistry unit works for all the departments. In CCNPP or the former NED, the chemistry unit works for Department 41.

Lab Technicians, 25-02-09 (formerly 25-09-02)

There are six lab technicians in pay grade 29. They work at the Fort Smallwood Road Complex Shops Building. Laboratories are located on the first and second floors. They perform the same job duties they performed in 1996, when the Regional Director excluded them from the production and maintenance unit. See Er. Exh. 9C 3-27.

The laboratory technicians spend 80-85% of their time working in a laboratory environment at the Fort Smallwood complex. The laboratory technicians also have office cubicles directly adjacent to the laboratories. They work in these areas with excluded chemists, senior chemists and engineers. They have flexible working hours available to them.

The laboratory technician are primarily responsible for collecting and analyzing water, soil, oil and air samples for contaminants. In one primary area, the technicians perform analyses on radiological samples. In another area, they perform analyses on water-type samples. In another area, they analyze lubricants and other fuels. They also collect samples from the power plants, pipelines or street leaks. The samples tested by lab technicians are often used to diagnose problems that are occurring. The samples are not directly related to the immediate operations of the plant, but they can be important to the long-term ability of the plant to continue operating. They also test samples to diagnose environmental problems.

In addition, the laboratory technicians maintain and operate sampling systems around the CCNPP that monitor radiological contamination. The laboratory technicians also maintain gardens so that samples of vegetation can be collected once a month.

The laboratory technicians diagnose problems that occur at the plants that plant personnel may not have the tools to diagnose. They use more sophisticated equipment than plant personnel use to perform water tests. Plant technicians test their boiler water. They will use spectrophotometers, which the lab technicians also use in the lab. Spectrophotometer is an instrument that measures the absorbency of light within certain wavelengths. The lab technicians actually maintain the spectrophotometers for the plants. They go out to the plant and change the instruments, bringing in the old one for refurbishment and recalibration.

The laboratory technicians interact with plant personnel, but this interaction primarily occurs over the telephone. They also talk interact with bargaining unit personnel when they go on site to collect a sample. Samples are picked up by the laboratory technicians at the generating plants once a week. The weekly pick up and delivery route does not include Calvert Cliffs. It includes Brandon Shores, Wagner, Crane, and Gould Street. On occasion it will include the Riverside Power plant and the oil recovery facility at Spring Gardens. The samples are generally stored at a particular collection point such as a shift supervisors office. I note that the chemistry consultant and chemical engineer also collect samples in the plants and bring those back to the laboratory where the laboratory technicians analyze them.

Every Wednesday, the samples are picked up and the technicians will deliver reagents for the plant technicians to use. Reagents are chemicals that the plant technicians need to use to run the tests at the power plant to control corrosion of the boiler. Plant technicians regularly call lab

technicians to inform them how many reagents the plant technicians need for the next week. At times, the lab technicians will receive calls checking up on the status of samples or the results of samples. Those calls are primarily from PDM technicians who are involved with the protective maintenance program. The unit provides the analytical service for the lube oil analysis within that program and the lab technicians interact weekly with the PDM technicians to help them diagnose problems. Lab technicians also interact with the environmental technicians at the plants concerning the analysis of the environmental samples collected. Sometimes the lab technician will call the environmental technician.

The lab technicians visit job sites in response to calls from gas field crews or the gas dispatch office requesting that a sample of a gas or atmospheric mixture be taken from the field or a street leak and analyzed at the lab. These visits occur about 40 or 50 times a year. Lab technicians take a gas sample using an instrument called an explosimeter, which is commonly used by gas crews to detect explosive gas mixtures. When the lab technician visits the site, he typically discusses the gas leak or problem with a gas mechanic, either an underground mechanic in M3-04 for an outside line or a gas mechanic in M3-05 for an inside line (both included classifications). The gas mechanic then directs the lab technician to the suspected location of the leak. It is the lab technician, not the gas crew, that takes the samples and tests it. The technician will then call the crew to report the results.

When the Gas Maintenance and Construction Department M3-00-01 or Gas Construction Section M3-08-01 constructs and tests a new gas pipeline, they call the former chemistry unit to arrange for a lab technician to test the pipeline for leaks and to collect water samples. The former chemistry unit, as reorganized, provides oil recovery service to the Gas Division. The oil recovery facility at Spring Gardens has an operator who collects samples from the various processes in that facility. The lab technician will pick those samples up weekly and bring them back to the laboratory for analysis. Oil recovery facilities also exist at the Crane and Perryman plants.

The former chemistry unit, as reorganized, provides routine and emergency services to the ETDD. Lab technicians routinely analyze oil samples taken from transformers or switching equipment that are sent to the lab or brought to the lab by a driver. The samples usually are contained in a box with the required paperwork. When an emergency arises because of a rupture of a transformer or an environmental oil spill, the sample could be brought in by field personnel. About two or three times a year, the lab technicians may visit the field to assist with cleaning up the spill.

The former chemistry unit, as reorganized, also provides services to the Waste Transfer Unit 73-01-09 in the Materials and Distribution Section 73-01-01. That unit acts as a receiving and transfer point for disposal of oily waste from all service centers, as well as from the distribution department.

The laboratory technicians are required to have two years of post-high school education in subjects such as mathematics, chemistry, science, and laboratory procedures, or the equivalent combination of formal education and training. The laboratory technicians assist in the development of new analytical techniques and preparation and review of written procedures and demonstrate test methods and procedures to regulatory agency inspectors.

I conclude that the laboratory technicians do not share a sufficient community of interest with production and maintenance employees to require their inclusion in the unit found

appropriate in 5-RC-14907. These technicians have different skills and functions than production and maintenance employees and they spend 80-85 percent of their time in a different work environment performing analysis of samples in a laboratory. They are separately supervised together with monthly employees such as chemists and engineers. They do not regularly work side-by-side with unit employees. They have flexible working hours. They perform skilled technical work, exercise independent judgment, and are required to have the equivalent of post-high school education in mathematics and chemistry. In these circumstances, I shall exclude the laboratory technicians from the production and maintenance unit found appropriate in 5-RC-14907.

Chemistry & Materials Engineering and Analysis Unit, 25-02-09, former Materials Engineering &Analysis Unit (25-09-05) combined with former Chemistry Unit (25-09-02)

Metallurgical Technician, 25-02-09 (formerly 25-09-05)

The metallurgical technicians perform the same duties that were performed by failure analyzers in 1996, whom the Regional Director excluded from the unit. The record testimony establishes that the only real difference between the metallurgical technician and failure analyzer jobs is that the duties of the metallurgical technicians have become more sophisticated.

The metallurgical technicians are in pay grade 30. They are supervised by the lead engineer work leader, who also supervises the senior engineer, engineer, welder, senior administrative assistant and any students or trainees. They may work flexible working hours and spend the majority of their work time (approximately 60%) in the laboratory area at Fort Smallwood, and the remaining 40 percent either at the plants or in a trailer at the plants.

The metallurgical technicians examine plant equipment that has failed to perform properly, using both destructive and non-destructive testing methods. Specifically, they examine the chemical makeup of the equipment, generally in the metallurgical laboratory, and test its physical strength. This type of analysis requires the metallurgical technicians to use band saws, caught off wheels, grinders, sanding belts, hacksaws, hammers and screwdrivers. Metallurgical technicians use these tools on daily basis. Metallurgical technicians visit the power plant several times a week to inspect failed equipment. About half of the time, they visit the plants with an engineer from the unit. The record establishes that the metallurgical technicians are in the field interacting with plant personnel about 50 percent of their time. When in the plants, the metallurgical technicians will talk to anyone from an engineer to a plant technician, for information on the equipment that has failed. They talk directly with plant technicians about the operating condition of the equipment prior to failure. When material that has failed is too large to be transported to the metallurgical lab for testing, a sample has to be extracted. On occasions, the metallurgical technicians will extract a “boat sample” when the failure involves a crack. The metallurgical technicians make the more specialized, precision-oriented cuts that are necessary. In all other situations, however, the samples are cut up and removed by plant personnel or other Department 25 personnel.

The metallurgical technicians are required to have two years of post-high school education/training and four years of related work experience in NDE testing or laboratory practices, or the equivalent combination of formal education/training and experience. The metallurgical technicians also perform some NDE analyses, and must have the training and maintain the qualifications, required for NDE technicians. The metallurgical technicians work

with the engineers in this unit on piping assessment, and perform some of the walk-down inspections that the engineers are too busy to perform. They make suggestions to the engineers for improvements in the design of plant equipment. They frequently decide what tests need to be performed on the equipment that they are analyzing. After their inspection or testing is complete, the metallurgical technicians write up their findings and give them to an engineer in the unit, who reviews the report before it is sent out to the customer.

The metallurgical technicians also perform strength tests on welding coupons made by welding students, and pass or fail the weld coupon. If a metallurgical technician fails the weld, the technician reports to the senior engineer in the welding area that the welder has failed the test. Another test is usually scheduled. The metallurgical technicians have some contact with the welder, who rotates into this unit on a six-month basis, but the record is unclear as what that contact involves.

I conclude that the metallurgical technicians in 25-02-09 (formerly 25-09-05) do not share a sufficient community of interest with production and maintenance employees to be included in the unit found appropriate in 5-RC-14907. They have different skills and functions than production and maintenance employees. They primarily perform detailed analysis in a laboratory and less frequently they perform on site inspections in conjunction with an engineer. They make recommendations on equipment design and write reports to engineers. They pass or fail welders' coupons. They must maintain NDE qualifications and they have skills that are analogous to those of NDE technicians, whom I have excluded from the unit. They do not interchange with unit employees and their contact with plant technicians is generally limited to information gathering for more detailed analysis in the laboratory. In these circumstances, I shall exclude the metallurgical technicians from the production and maintenance unit found appropriate in 5-RC-14907. See Power, Inc., 311 NLRB 599, 608 (1993); Duke Power Co., 240 NLRB 240, 241-42 (1968).

NDE Technician, 25-02-09 (formerly 25-09-05)

There are four nondestructive examination (NDE) technicians in pay grade 30. They are supervised by the lead engineer work leader in work group 2, who also supervises the senior engineer, senior NDE specialist, planning and scheduling technician, NDE examiner, and senior administrative assistant in work group 2. They have access to flex time.

The job duties of the NDE technicians have not changed since 1996, when the Regional Director found them to be technical employees who lacked a community of interest with production and maintenance employees sufficient to require their inclusion in the bargaining unit. See Er. Exh. 9C at 3-28. The NDE technicians still perform non-destructive testing. They look for in-service degradation of power plant components or defects in new construction. They still use methods such as magnetic particle, liquid penetrant, ultrasound, and eddy current testing. Using these methods, the NDE technicians search for potential failures, as evidenced by cracking, wall thinning, or other defects. Some of the less sophisticated examinations will yield results immediately, but other test data is taken back to the laboratory by NDE technicians and analyzed by computer. The NDE technicians are still required to have a two-year associate college degree in engineering or a related technical discipline, or the equivalent combination of formal education/training and experience in NDE.

Although the NDE technicians spend about 75 percent of their work time at one of the fossil power plants, they work out of permanent, office type trailers while at the sites. In fact,

during outages, the NDE technicians, the metallurgical technicians and engineering personnel work out of a trailer that is permanently stationed at the plant. That trailer is specifically assigned to 25-02-09, formerly 25-09-05. Equipment is kept there year-round.

While working on site, the NDE technicians generally work the same shifts as welders, plant technicians, and machinery mechanics. The NDE technicians have some rather limited contact with these classifications when performing non-destructive examination of power plant equipment to identify degradation and defects. The machinery mechanics or plant technicians disassemble parts to provide access to components or prepare surfaces for analysis. The NDE technicians perform the actual inspections. Thus, the NDE technicians and unit employees are not performing the same type of work, although they may be working in close proximity to one another. The NDE technicians have the same type of contact with contractors. Other contact that NDE technicians have with unit employees occurs when the NDE technicians train unit employees, or inspect unit employees' work. For example, the NDE technicians inspect welds completed by welders for defects, and can advise the welder or his supervisor that the weld is unacceptable. They examine welds made in the field and rotate in and out of welder positions in mobile maintenance units for 18-month assignments. The NDE technicians also supervise and inspect the work of contractors, who perform NDE functions at power plants, and they train contractor personnel. An NDE technician will accompany the outside contractors that test radiography in the plants. Contractors also perform other work that could be done by NDE technicians such as magnetic particle testing, visual testing, dye penetrate testing, typically during outages.

Upon completion of an inspection, the NDE technician completes a report that contains recommendations concerning further work that is needed and then obtains the customer's signature. When they are not present on-site, the NDE technicians work at the metallurgical laboratory on the first floor of the Fort Smallwood Road Complex.

The NDE technicians are required by BGE to be certified by the American Society of Non-Destructive Testing (ASNT) at Level II. In fact, BGE uses outside contractors when the NDE workload is high because other BGE employees do not have the ASNT qualifications to fill in for the NDE technicians.

I conclude that the NDE technicians are technical employees with specialized skills, who exercise independent judgment, and have formal training requirements, including a two-year college degree in engineering. Western Gear Corp., 160 NLRB 272, 274 (1966); National Gypsum Co., 116 NLRB 1005, 1009 (1956). The NDE technicians have different job duties and skills from unit employees and only limited contact with them. Much of this contact involves teaching or inspecting functions that are consistent with the NDE technicians' status as technical experts in their area. The Employer must rely on outside contractors to fill in for NDE technicians because other unit employees do not have the requisite qualifications. The NDE technicians have separate immediate supervision from unit employees. In these circumstances, I conclude that the NDE technicians do not share a sufficient community of interest with production and maintenance employees to require their inclusion in the production and maintenance unit found appropriate in 5-RC-14907.

NDE Examiner, 25-02-09 (formerly 25-09-05)

The NDE examiner position is a new position that had never been filled by a BGE or CPSG employee. The record testimony establishes that the NDE Examiner is expected to function as a junior NDE technician. The NDE examiner will perform surface examinations and inspections independently, but will assist the NDE technician to perform the more technical non-destructive examinations such as volumetric examinations, including radiographic, ultrasonic and eddy current testing. Although the NDE Examiner will not be required to have an associate's degree, the NDE examiner will need to be familiar with algebra and trigonometry. See Er. Exh. 4, #314D. The NDE examiner is expected to perform the less-sophisticated examinations and will be paid less than NDE technicians because of the difference in technical skill level and experience. The record testimony establishes that the NDE examiner is expected to spend approximately the same amount of time in the plants as the NDE technicians spend, and to have the same sort of contacts with unit employees as the NDE technicians have.

The record testimony establishes that the Employer has had difficulty filling this job. The Employer received no internal applications for the NDE examiner position, despite the fact that the job was posted internally. The record further establishes that none of the external applicants were able to pass the basic technician test required for this position, even though all these applicants had four years of experience performing NDE visual inspections. The record testimony further establishes that an employee with a welding background, who is certified in visual examinations, would probably not be qualified to perform this job. Because of the specialized nature of the work, the job is currently being performed by an outside contractor.

Based on the foregoing record testimony, I conclude that the NDE examiner, like the NDE technician, will not have a community of interest with unit employees sufficient to require inclusion in the production and maintenance unit found appropriate in 5-RC-14907. Even assuming arguendo that the NDE examiner will not be a technical employee, I find that the record testimony establishes that the NDE examiner will have different skills and duties from and very little contact with bargaining unit employees, and will be performing a job that is not functionally integrated with bargaining unit work. The difficulty that the Employer is having filling this job is indicative of the specialized nature of the work, and how different it is from bargaining unit work. In these circumstances, I conclude that the NDE examiner will not share a sufficient community of interest with production and maintenance employees and should be excluded from the production and maintenance unit found appropriate in 5-RC-14907. See Power, Inc., 311 NLRB 599 (1993); Penn Color, Inc., 249 NLRB 1117 (1980).

Planning and Scheduling Technician, 25-02-09 (formerly 25-09-05)

There is one planning and scheduling technician, Mr. Smetona, in pay grade 30. He is supervised by the lead engineer, just like the senior engineer, senior NDE specialist, NDE technician, NDE examiner, and senior administrative assistant. As noted, he is permanently assigned to 25-02-09 (formerly 25-09-05), but spends some of his time performing work as a planning and scheduling technician working in Fossil Outage Management 25-00-02. He primarily works at a desk in the metallurgical lab on the first floor. He also goes out to the field and works in the trailer during an outage.

The record establishes that the job duties of this classification essentially have not changed since the Regional Director excluded this classification from the production and

maintenance unit found appropriate in 1996. The planning and scheduling technician plans and schedules NDE work for employees in 25-02-09 (formerly 25-09-05). The planning and scheduling technician also performs duties similar to those of the planning and scheduling technician in the Contract Administration and Outage Management Unit 25-00-02. In fact, at the time of the hearing, Mr. Smetona was performing both jobs. Mr. Smetona is scheduled to return to 25-02-09 (formerly 25-09-05) from 25-00-02 at the end of January 2000.

When working in 25-02-09 (formerly 25-09-05), the planning and scheduling technician schedules jobs for the NDE technicians (and is expected to do so for the NDE examiner), and also interacts with project planners at Fort Smallwood. In performing his planning and scheduling functions for this unit, the planning and scheduling technician creates a work schedule using maintenance planning software. The planning and scheduling technician also tracks estimates of the costs incurred and hours worked by the NDE technicians and any outside contractors. These estimates are then given to the project manager.

The planning and scheduling technician spends the vast majority of his time at the metallurgical laboratory/office area at Fort Smallwood. He spends anywhere from 10 to 15% of his time at the plants, where he walks down jobs and interacts with maintenance planners, engineers and engineering technicians. The planning and scheduling technician spends about one-third of his time functioning as an NDE technician, and overseeing contractors performing NDE work. The planning and scheduling technician has NDE duties similar to those performed by NDE technicians. He has an NDE technician background, and holds NDE certifications. The planning and scheduling technician also "leads contractors" i.e., ensures that the right contractors are brought on to a particular job and that work priorities are set correctly.

I conclude that the planning and scheduling technician in 25-02-09 (formerly 25-09-05) does not share a sufficient community of interest with production and maintenance employees to be included in the unit found appropriate in 5-RC-14907. Unlike the included planning and scheduling technicians in 25-00-02 discussed above,[13] the planning and scheduling technician in 25-02-09 (formerly 25-09-05) does not have regular and substantial contact with unit employees. Unlike the planning and scheduling technicians in 25-00-02, he certainly does not spend anywhere near fifty percent of his time in the plants walking down jobs with the production and maintenance employees involved in performing the work. Nor does he regularly interface with unit employees when in the metallurgical laboratory or office. He shares direct supervision by the lead engineer with other excluded classifications. He has different skills, duties, qualifications and training than unit personnel. He is engaged in performing either clerical-type scheduling functions as a planning and scheduling technician or performing technical NDE work that requires maintenance of technical qualifications that unit employees do not have. In these circumstances, I shall exclude the planning and scheduling technician in 25-02-09 (formerly 25-09-05) from the production and maintenance unit found appropriate in 5-RC-14907. See Weldun International, Inc., 321 NLRB 733, 735 (1996).

Senior Administrative Assistant, 25-02-09 (formerly 25-09-05)

The two senior administrative assistant in 25-02-09 (formerly 25-09-05) are in pay grade 26. They work on the first floor of the FSRC Shops Building. They have similar of duties, but

[13] I find the record evidence concerning the planning and scheduling technician's work in 25-00-02 to be insufficient to overcome numerous other factors that establish the absence of any significant community of interest with unit employees.

one of the senior administrative assistants, Debbie Bohn, supports the welding program and the other one, Peggy Williams, supports the NDE program. The two senior administrative assistants do not sit near each other. The welder sits closest to Ms. Bohn and an NDE technician sits closest to Ms. Williams. The assistants spend most of their time at their desks. They do not go to the plants. A large portion of their time is spent on the computer and the phone.

Ms. Bohn is responsible for maintaining all the paperwork related to the welding program. She enters information into the database that tracks the welder qualifications and keeps the database current. She also tracks the Weld Authorization Travelers, forms used by welders to identify what welds they are making. Ms. Bohn schedules the welders into school, tracks procedure reviews, maintains job files and updates code books. Her main job is to support the senior engineer in the welder area and she takes her daily direction from him.

The welders often contact Ms. Bohn regarding their qualifications. She schedules welders into school for one day of re-qualification every six months. Thus, the welders come in every six months for testing, during which time they find out about the status of their qualifications. Most of the Department 25 welders, the mobile welders, have their qualifications updated via WATS. When WATS come in, she records the information and updates the log.

Ms. Bohn has extensive contact with the supervisors in Department 25 and in BGE's Gas Distribution Division. The supervisors call her for updated information on the status and qualifications of welders and for assistance with tracking contractor welders. Most of her contact with welders and supervisors is done by phone or e-mail. The welder in 25-02-09, formerly 25-09-05 has regular contact with Ms. Bohn. He works with the database, inputting some of the information. The welder also acts as liaison between the welding school in 28-00-03 and Ms. Bohn.

Ms. Williams, who supports the NDE program, has similar duties. She tracks the qualifications of NDE personnel, which are updated every three years, and the qualifications and training schedules of the welders in Department 25 and in the plants. Ms. Williams and an NDE technician share the responsibility for tracking calibration requirements. The NDE technician is assigned to the piece of equipment and Ms. Williams tracks the requirements in the database. She also tracks the equipment in need of calibration. Ms. Williams has the same type of contact with the welders and their supervisors as described for Ms. Bohn in the welding program.

I conclude that the senior administrative assistants in 25-02-09 (formerly 25-09-05) are office clerical employees who do not share a community of interest with production and maintenance in the unit found appropriate in 5-RC-14907. They have different skills and functions than unit employees and work exclusively in office environment performing clerical support functions. They do not interchange with unit employees and have only occasional contact with unit employees, and this contact is not significantly related to unit production and maintenance work. In these circumstances, I shall exclude the senior administrative assistants in 25-02-09 (formerly 25-09-05) from the production and maintenance unit found appropriate in 5-RC-14907. Mitchellace, Inc., 314 NLRB 536, 536-37, enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites and Polymers Co., 313 NLRB 1105 (1994).

Major Equipment Engineering Unit, 25-02-0A, Principal. Engineer-Mark A. Devries

After the close of the hearing, the parties stipulated to the following paragraph:

The Major Equipment Engineering Unit (25-02-0A) has not changed. The responsibilities of the unit, the job classifications therein, and all job duties remain the same as in the former organization and as was presented in the hearing.

This unit provides engineering, technical support and project management for all boiler and turbine generator maintenance and modification work. The Petitioner seeks no classifications in this unit. The Employer contends that the quality verification technicians and the senior administrative assistant share a community of interest with production and maintenance employees and should be included in an appropriate unit.

Quality Verification Technician, 25-02-0A

There are six quality verification technicians (qvts) in 25-02-0A in pay grade 30. In 1996, these employees performed essentially the same job under the title engineering technician or project quality technician in 25-02-0A and 25-02-0B.

The quality verification technicians spend most of their work time performing quality verification work that relates to turbine generator and boiler maintenance and modifications at generating plants, both fossil and nuclear, during planned outages or forced outages. They verify the quality of unit work through physical observation. In addition to verifying unit work, they also verify work done by outside contractors such as on scaffolding or insulation jobs. They spend about 90 percent of their time at the generating plants during an outage. During the refueling outage each spring, which lasts approximately 50 days, they perform quality verification and planning work at CCNPP that involves the turbine generators and steam generator feed-pump turbines. To relieve any hardships on qvts travelling to Calvert Cliffs during this outage period, the six qvts rotate among themselves to ensure that two qvts are present at Calvert Cliffs to cover the shifts during the outage.

The qvts are in two different work groups. Work group 1 does boiler work and is supervised by the principal engineer. Work group 2 does turbine work and is supervised by the turbine maintenance engineer. These engineers also supervise excluded classifications such as engineers, senior administrative assistants, and the senior project administrator. The qvts interface with maintenance planners at the plants and with project planners in Department 25 to understand the maintenance orders to be performed on the turbine or boiler related systems during outages. During the non-outage season, they spend about 70 percent of their time in the office assisting the engineers, preparing procedures for upcoming turbine or boiler work, surveying stock material, creating parts lists, and ordering parts. They have no purchasing authority. They visit vendors and manufacturers several days a year to verify that the equipment purchased meets specifications.

To become a qvt, one must first be a fully qualified welder, machinery mechanic or modifications electrician. Qvts must have at least two years experience as a senior craft worker in an appropriate discipline. Qvts are experts in a particular craft. The current applicable job description provides that the qvts provide technical support to operating and engineering personnel. They have daily contact with the engineers, sit near them, and travel with the

engineers during outages. At the outage, they work with mobile craft forces to expedite the inspection process and they occasionally pitch in with actual repair work.

The qvts occasionally work with their tools as machinery mechanics or welders. They may perform certain mechanical adjustments to machinery, such as the speed control regulators on the turbines. Since 1987, craftsmen from the mobile maintenance major machinery and the steam-generator-modifications sections have had two-year, voluntary rotational assignments into this unit for cross-training purposes to develop secondary skills as qvts. One of the six permanent qvts came through this rotational program. This cross-training allows the mobile maintenance classifications such as machinery mechanics, modifications mechanics and welders to acquire proficiency in qvt skills that involve hands on verification of the quality of workmanship being performed by primary skilled mobile maintenance machinery mechanics, modification mechanics or welders. For example, the qvt will verify the quality of the welding of a boiler tube or the mechanical work performed on turbine generator components. Qvts supplement mobile maintenance work forces performing breakdown work on weekends. The qvts work the same hours as the mobile maintenance work force. For example, during an outage, if there is a two-shift operation, there will be a qvt working both shifts. Mobile maintenance craftsmen and qvts have visited vendor premises together. During the non-outage season, qvts have some flexibility with their hours, but operational requirements are controlling. The qvts have secondary skills training as engineering technicians in 25-02-03 and 25-02-04.

Quality control employees are generally included in a production and maintenance unit when they share a community of interest with unit employees. Blue Grass Industries, 287 NLRB 274 (1987). But see Lundy Packing Co., 314 NLRB 1042 (1994) where a divided Board excluded quality control employees from a production and maintenance unit. Although the issue is close, on balance, I conclude that the quality verification technicians in 25-02-0A, like the engineering technicians in 25-02-03 and 25-02-04, do not share a sufficient community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. They perform a technical support function for operating and engineering personnel. Although paid weekly in grade 30, they share common supervision with the engineers, have daily contact with them, sit near them, and travel with the engineers during outages. During the non-outage season, they spend about 70 percent of their time in the office, often assisting the engineers. They verify the quality of both unit and non-unit work. They have secondary skills training as engineering technicians in 25-02-03 and 25-02-04, a classification that I have excluded from the unit. Concededly, they have some interface with maintenance planners and project planners during outages and perform quality inspection work on the same shifts as mobile maintenance craftsmen during outages. They also occasionally perform work as mobile maintenance craftsmen, and mobile maintenance craftsmen have been regularly cross trained to acquire the expertise of quality verification technicians. However, the record establishes that the transfer of mobile maintenance craftsmen into the rotational qvt positions is voluntary and fairly permanent. Such voluntary transfer is less significant evidence of interchange, even if they can be regarded as temporary. Red Lobster, 300 NLRB 908,911 (1990); Renzetti's Market, Inc.., 238 NLRB 174 (1978); Penn Color, Inc., 249 NLRB 1117, 1119 (1980). The quality verification technicians do not regularly interchange with other unit employees. They spend more than half their time working in an office environment. During outages, they perform a quality inspection function that is not confined to unit work, and their most significant work-related contact is with engineers, with whom they share common immediate supervision separate from unit supervision. In these circumstances, I shall exclude the quality verification technicians in the Major Equipment Engineering Unit in 25-02-OA from the production and maintenance unit found appropriate in 5-RC-14907.

Senior Administrative Assistant, 25-02-0A

There is one senior administrative assistant, Chris Ring, in pay grade 26. The record establishes that she was previously the unit support clerk in 25-02-0B in 1996. She reports to the Fort Smallwood Office Building, second floor, where she spends 99 percent of her time. She does not travel during outages. She keeps track of and coordinates qualification training for the engineers, qvts, senior engineers and turbine maintenance engineer. She also maintains and files turbine and boiler related outage documents. She interacts in discussions with weekly employees from mobile maintenance (major machinery and generator/welds/modifications) concerning the formulation of procedures related to turbine generator and boiler work. She is on the Fort Smallwood FEARNOT committee.

I conclude that the senior administrative assistant in 25-02-0A is an office clerical employee who does not share a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. This classification has different skills and functions than unit employees and works exclusively in an office environment performing clerical tasks. In addition, this classification does not interchange with unit employees or regularly perform functions that are integrated with unit production and maintenance work. In these circumstances, I shall exclude the senior administrative assistant in 25-02-OA from the production and maintenance unit found appropriate in 5-RC-14907. Mitchellace, Inc., 314 NLRB 536, 536-37, enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites and Polymers Co., 313 NLRB 1105 (1994); Westinghouse Electric Corp., 118 NLRB 1043 (1957); Hygeia Coca-Cola Bottling Co., 192 NLRB 1127 (1971); Idaho Power Company, 126 NLRB 547 (1960).

Electric Test & Generator Protection Unit 25-02-0C (former Generation Protection & Control Unit, 25-02-06 combined with the former Electric Test Unit, 25-02-0C)

As noted above, after the hearing, the parties stipulated to the following paragraph: The Generation Protection & Control Unit (25-02-06) was combined with the Electric Test Unit (25-02-0C) to form the Electric Test & Generator Protection Unit (25-02-0C). The responsibilities of the unit, the job classifications therein, and all job duties remain the same as in the former organizations and as was presented in the hearing.

The former Generation Protection & Control Unit is responsible for the voltage regulators and generation protection relay and metering equipment at the generating plants. Supervisory Engineer, Richard Clisham, testified that voltage regulators and generation protective equipment are basically the same in a fossil plant and a nuclear plant.

The former Generation Protection & Control Unit includes one lead relay and control technician and three senior relay and control technicians. The Petitioner seeks to include the senior relay and control technicians in the production and maintenance unit found appropriate in 5-RC-14907, but seeks to exclude the lead relay and control technician, despite the fact that the two positions perform identical work.[14] The Petitioner claims that the lead relay and control

[14] Originally, Petitioner took the position that the senior relay and control technicians possibly should be included in the mobile maintenance unit sought in 5-RC-14906. Petitioner eventually withdrew this position at the hearing and agreed to include the senior relay and control technicians in 5-RC-14907. See Tr. 5421.

technician is a technical employee and that the technical aspects of his job create a lack of community of interest between the lead relay and control technician and the production and maintenance employees. The Employer seeks to include both the senior and lead relay and control technicians.

Lead Relay and Control Technician, 25-02-0C (formerly 25-02-06)

There are three senior relay and control technicians in pay grade 30, Mike Fowler, Forrest Kirsckhoff, and Sean O'Donnell, and one lead relay and control technician in pay grade 31, John Jones, in Unit 25-02-0C (formerly 25-02-06). The senior relay and control technicians and the lead relay and control technician were previously system protection technicians and senior system protection technicians, respectively, in BGE's Substation & System Protection Department, 38-00-01. Supervisory Engineer, Richard Clisham testified that they voluntarily transferred to the former FED as of about January 1, 1998, when the former FED was reorganized to handle its own systems protection work. There was no change in job duties at that time. I note that Relay and Control Units, 38-20-02, 38-02-03, and 38-20-04 currently exist in Substation & System Protection Department 38 as part of BGE's ETDD. The former Systems Operations and Maintenance Department 38 previously performed the work that the senior and lead relay and control technicians now perform for CPSG's 25-02-0C.

The senior relay and control technicians and lead relay and control technician in 25-02-0C (formerly 25-02-06) have a home-base reporting station on the second floor of the Fort Smallwood Office Building, but they frequently report to different plants about 80-90% of the time. At the time of the hearing, seventy-five percent of their time in the plants was spent at fossil plants and 25 percent was spent at the CPNPP. The remainder of their time was spent at Fort Smallwood either planning, writing procedures for calibration and maintenance, or training.

The record establishes that the senior relay and control technicians are primarily responsible for maintaining voltage regulators, generation protection relays and controls, and metering systems in the fossil plants and the nuclear plant. Their work at the nuclear plant is usually confined to the planned refueling outage every spring and certain other times that may require relay calibration testing. On rare occasions, they perform similar work for the System Protection and Controls Section (38-20-01) of the Electric Transmission and Distribution Division. On these occasions, they may interact with the relay and control technicians in 38-20-02, 03, and 04. For example, lead relay and control technician Jones worked for Department 38 during the summer of 1999 for a few days and he performed the same type of work that he performs for the fossil plants, i.e., relay and control circuitry checkout. The senior relay and control technicians spend about 20-25% of their time in the plant trouble shooting for electrical problems in the voltage regulators and relay systems. The majority of their time is spent on predictive maintenance and some new construction.

The lead relay and control technician and the senior relay and control technician perform essentially the same functions, use the same tools and have the same interaction with plant technicians and mobile maintenance modifications electricians. Like the senior relay and control technician, the lead relay and control technician performs new construction work, troubleshooting, and predictive maintenance. Senior and lead relay and control technicians also write maintenance procedures that are used by the mods electricians. The lead has more experience and knowledge concerning a broader base of equipment than the senior, particularly with regard to the many different voltage regulators for generators. He writes the more difficult procedures. His job description states that he is authorized to "supervise, work on and sign hold-

off cards for low and high-tension equipment." The tagging authorities in the plant are also authorized to sign off on hold-off cards. The lead relay and control technician has no involvement in hiring, firing, disciplining employees, recommending discipline, writing performance appraisals or granting time off. In fact, the designation lead signifies only that the lead relay and control technician has more experience than the senior relay and control technicians.

There is no degree requirement for the relay and control technicians. The lead relay and control technician job classification requires either two years post-high school education in courses with AC/DC circuit analysis and theory and over six years of working experience, or the equivalent combination of formal education, training and experience.

Like plant technicians with primary electrical or instrument and control skills and like modifications electricians in mobile maintenance, the relay and control technicians use basic electrician hand tools and some specialized meters. They perform planned maintenance that involves testing and calibration of the voltage regulators in the power plant relay rooms. They frequently work side by side with plant technicians about 50% of the 80-90% of the total time that they are performing work in the plants. They typically work with the plant technicians (primary skilled electrical or instrument and control) on every outage to tag out equipment and to remove barriers to test wiring and terminal boards. The plant technicians assist this testing by recording data, rigging, and performing continuity checks or meggaring tests to check resistance.

The senior relay and control technicians are supplemented with modifications electricians from mobile maintenance. For example, at the time of the hearing, two modifications electricians from mobile maintenance (25-08-08 and 25-08-09) had been cross training and performing senior relay and control work for 25-02-0C (formerly 25-02-06) under that unit's supervision for the last year. This interchange was expected to last through the spring 2000 outage season. These two modifications electricians were the first that had been cross-trained as relay and control technicians since former 26-02-06 was reorganized as part of the former Fossil Energy Division in January 1998. These cross-trained modifications electricians from mobile maintenance typically do not work flex time. Supervisory Engineer, Richard Clisham, explained that the jobs skills of senior relay and control technicians and modifications electricians are interconnected since they both require essentially the same knowledge of electrical components and electrical theory. Therefore, he explained that cross-training provides manpower flexibility for the Employer. The record establishes that the relay and control technicians and modifications mechanics work together on projects such as installing a new voltage regulator on a generator. The modifications electricians would perform the installation of the voltage regulator and associated wiring and the senior relay and controls technician would perform the check out testing for the new equipment.

During each outage, the senior relay and control technicians also interface with substation technicians and substation electrical mechanics from Department 38 because of the overlapping protection systems within the substations and generating plants.[15] These classifications use the same tools and have similar skills. The senior relay and control technicians are involved in the protection of all kinds of electrical equipment from the high-side of the transformer into the plant protection systems. Department 38 substation relay and control technicians, who are not stationed at Fort Smallwood, pick up maintenance responsibility where the plant jurisdiction ends at the high side of the transformer.

[15] As noted above, plant jurisdiction breaks at the high side of the step-up transformer.

Without reaching the issue of whether the lead relay and control technician is a technical employee, I conclude that the lead relay and control technician in 25-02-0C (formerly 25-02-06) shares a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. The record testimony establishes that the lead relay and control technician performs the same work as the senior relay and control technicians, whom both parties have agreed to include in an appropriate production and maintenance unit in 5-RC-14907. The lead and senior relay and control technicians all work on equipment such as voltage regulators, relays and meters. Their responsibility is to maintain and operate this equipment in all of the fossil plants. Their duties include planned maintenance and calibration of this equipment. The lead relay and control technician works side-by-side with the senior relay and control technicians and the plant technicians in tagging out equipment, removing access barriers to equipment and conducting tests on system controls. In performing these job duties, the lead relay and control technician works under the same conditions and reports to the same supervisor as the senior relay and control technicians. The record further establishes that the lead relay and control technician and the senior relay and control technician perform essentially the same functions, use the same tools and have the same interaction with plant technicians and mobile maintenance modifications electricians. The lead has more experience and knowledge concerning a broader base of equipment than the senior, and therefore, he writes more difficult procedures. There is no evidence that the lead has statutory supervisory authority. Moreover, I find that Petitioner's argument concerning the lack of community of interest between the lead relay and control technician and other unit employees is undercut by Petitioner's acknowledgment that the senior relay control technician should be included in the production and maintenance unit. Since the record establishes that the lead performs essentially the same work as the seniors and shares a community of interest with the seniors and other unit employees, I shall include the lead relay and control technician in the production and maintenance unit found appropriate in 5-RC-14907.

Electric Test & Generator Protection Unit 25-02-0C (former Electric Test Unit 25-02-0C combined with former Generation Protection & Control Unit 25-02-06)

As noted above, after the hearing, the parties stipulated to the following paragraph: The Generation Protection & Control Unit (25-02-06) was combined with the Electric Test Unit (25-02-0C) to form the Electric Test & Generator Protection Unit (25-02-0C). The responsibilities of the unit, the job classifications therein, and all job duties remain the same as in the former organizations and as was presented in the hearing.

The former Electrical Test Unit 25-02-0C is responsible for electrical testing of motors, generators, transformers, switch gear, and wiring. This unit maintains the reliability of the electrical systems for all fossil plants. This unit was previously part of the Electric Transmission & Distribution Division and moved to the former Fossil Energy Division as part of the 1998 reorganization.

The Employer contends that the lead electrical technician, senior electrical technician, and resource technical specialist share a community of interest with production and maintenance employees and should be included in any appropriate unit in 5-RC-14907. The Petitioner does not seek to represent these classifications. The lead electrical technician, senior electrical technician, and resource technical specialist are all supervised by the supervisory engineer.

Senior Electrical Technicians, 25-02-0C

There are four senior electrical technicians (Jim Sotaski, Danny Wildenberger, John Bland, and Jim Coulter) in pay grade 30. They have desks at the Fort Smallwood Office Building, second floor. There is no post high school degree required for the senior electrical technicians. The applicable job description requires that they satisfactorily complete post high school courses in electrical theory and applications or have an equivalent combination of formal education and training. Supervisory Engineer Clisham explained that the formal education, training or experience requirement listed in the applicable job description is satisfied by on-the-job training, plus additional technical courses taken either inside or outside the company.

The senior electrical technicians spend 80 percent of their time at the plants testing electrical equipment such as generators, transformers, motors, switch gear, circuits, exciters, and any rotating generating equipment. This equipment is located at different elevations in the plant. When the senior electrical technicians arrive at the generating plants, they typically contact a shift supervisor or general supervisor of support services at the plant. Sometimes the plant technicians will help them move equipment so they can perform their testing.

The record establishes that the senior electrical technicians often work side-by-side with plant technicians with primary electrical skills or with modifications electricians from mobile maintenance to perform their work. The senior electrical technicians use an array of electrician tools such as screwdrivers, pliers, wrenches, and various meters and test equipment that are also used by plant technicians -- primary skilled electricians, relay and control technicians, and modifications electricians. They use some electric test equipment that plant technicians would use to perform resistance checks and other more sophisticated equipment or meters such as oscilloscopes that plant technicians would not use.

During the year preceding the hearing, two modifications electricians from mobile maintenance (25-08-09 and 25-08-0A) rotated into the former Electrical Test Unit test unit and were cross trained under this unit's supervision for at least six months. Modification electricians that are being cross trained in the 25-02-0C use the same type of equipment that the senior electrical technicians use.

While at Calvert Cliffs, the senior electrical technicians work with the plant technicians with primary electrical skills in Division 40 and with the modifications electricians in the former Electrical/Instrument Unit, 25-08-0C, whom the parties have stipulated have been transferred to Constellation Nuclear, Inc. At least two senior electrical technicians are on site at the CCNPP during an outage to cover both shifts. During the peak workload of the outage, all four of the senior electrical technicians could be present. Sporadically at other times during the year, there are senior electrical technicians from 25-02-0C at Calvert Cliffs performing tasks such as motor monitoring. The senior electrical technicians occasionally visit vendor sites to observe new tests or equipment.

I conclude that the senior electrical technicians in 25-02-OC, as reorganized, share a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. They spend about 80 percent of their time at the generating plants testing electrical equipment that is located at different plant elevations. This work is functionally integrated with unit production and maintenance work and involves exposure to various plant operating conditions. The senior electrical technicians are assisted by plant technicians to move

equipment to facilitate testing. They work side-by-side with plant technicians with primary electrical skills and with modifications electricians from mobile maintenance. They use electrical tools and test equipment that plant technicians and modifications electricians use, although they also use some more sophisticated equipment that these classifications do not use, to perform electrical testing work on plant electrical equipment that is functionally integrated with unit production and maintenance work. Some modifications electricians in mobile maintenance, whom I have included in the unit, are cross trained as senior electrical technicians. The senior electrical technicians share the same pay grade as the plant technicians and modifications electricians from mobile maintenance. They also share common supervision with the lead electrical technician and resource technical specialist, whom I have included in the unit for the reasons discussed below. In these circumstances, I shall include the senior electrical technicians in 25-02-OC in the production and maintenance unit found appropriate in 5-RC-14907.

Lead Electrical Technician, 25-02-0C

The lead electrical technician in pay grade 31 has greater knowledge and experience than the senior electrical technician, but performs the same testing functions in the field as the senior electrical technician, and uses the same tools and interacts with the same classifications. The lead electrical technician spends 80% of his time in the plant and 20% in the office. There is no post high school degree requirement, but like the senior electrical technicians, the lead electrical technician must have post high school courses in electrical theory or equivalent, training and experience. The lead electrical technician evaluates the result of tests that both the lead and the senior electrical technicians have performed on electrical equipment, and may recommend action based on such test results to the supervisory engineer. The record fails to establish whether these recommendations are effective or whether they affect terms and conditions of employment. The lead electrical technician communicates with plant supervisory engineers on a regular basis. The lead also witnesses and evaluates vendor maintenance repairs and tests at vendor sites.

For the reasons set forth above concerning the senior electrical technicians in 25-02-OC, I conclude that the lead electrical technician in this reorganized unit also shares a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. The record evidence establishes that lead relay and control electrician is a leadman performing unit work. No party contends that the lead relay and control electrician is a statutory supervisor and there is no evidence that the lead has statutory supervisory authority. The record establishes that the lead electrical technician and the senior electrical technicians perform essentially the same functions, use the same tools and have the same interaction with plant technicians and mobile maintenance modifications electricians. The lead electrical technician is in pay grade 31, one pay grade higher than the senior electrical technicians; however, the lead has more experience and knowledge concerning a broader base of electrical equipment and evaluates test results for supervision. Moreover, the resource technical specialist in this reorganized unit 25-02-0C and the lead relay and control technician in former 25-02-06, as reorganized in 25-02-0C, are both in pay grade 31, and I have included these classifications in the production and maintenance unit found appropriate in 5-RC-14907 based on community of interest factors, as explained below. Finally, I note that the lead electrical technician shares common supervision with the senior electrical technicians and resource technical specialist, whom I have included in the unit based on a shared community of interest with other unit employees. In these circumstances, I shall include the lead relay and control technician in the production and maintenance unit found appropriate in 5-RC-14907.

Resource Technical Specialist, 25-02-0C

There is one resource technical specialist, Tom Sussan. Like the lead electrical technician, this classification is in pay grade 31. The resource technical specialist reports to the second floor of the Fort Smallwood Office Building and spends about 70 percent of his time there. He spends about 25 percent of his time at the plants and the balance in training or administrative work.

The resource technical specialist primarily plans and schedules work concerning plant electrical systems and relay generation protection and controls for both the former Generation Protection & Control Unit, 25-02-06 and the former Electrical Test Unit, 25-02-0C, that have been combined to form the Electric Test & Generation Protection Unit (25-02-09) He schedules planned maintenance and gathers work packages for relay and control technicians and electrical technicians. The resource technical specialist spends the majority of his time dealing with the lead and senior electrical technicians in the same reorganized unit and with the lead and senior relay control technicians in former 25-02-06, for whom he lines up jobs. The resource technical specialist gives the planned and scheduled work to supervisors for assignment.

The resource technical specialist also receives requests for electrical work to be done at the plants by maintenance planners or shift supervisors. He spends about 10 percent his time dealing with the maintenance planners in each plant and walks down jobs with supervisors and plant technicians. He interacts with plant technicians and modifications electricians in mobile maintenance to make sure that the duties in the work package are clearly defined.

The resource technical specialist is an experienced electrician and occasionally works with his tools to plan and set up jobs. He works with his tools about one weekend per month performing the same type of electrical work that the senior and lead electrical technicians perform.

I conclude that the resource technical specialist in 25-02-OC shares a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. Although the resource technical specialist spends most of his time in an office environment, he spends this time primarily planning and scheduling unit maintenance work on plant electrical systems and relay generation protection and controls and gathering and lining up work packages for unit employees. Much like the planning and scheduling functions performed by maintenance planners, project planners and planning and scheduling technicians, I find that the resource technical specialist performs planning and scheduling tasks that are functionally integrated with unit production and maintenance work. This classification also shares common immediate supervision with the senior and lead electrical technicians that I have included in the unit. In addition, the resource technical specialist regularly interacts with plant maintenance planners that I have included in the unit and regularly visits the plants when necessary to walk down jobs. When walking down jobs in the plant, the resource technical specialist interacts with plant technicians and mobile maintenance craftsmen to define work package parameters. Finally, I note that the resource technical specialist performs unit work during one weekend each month. In these circumstances, I shall include the resource technical specialist in the production and maintenance unit found appropriate in 5-RC-14907.

Steam Generator-Welding-Modifications Section, 25-07

After the close of the hearing, the parties stipulated to the following paragraph:

Effective July 3, 2000, the FEMD eliminated the job classification formally known as "Shop Technician." Only one unit within the department was affected by this change, the Fabrication Shop Unit (25-07-09) of the Steam Generator-Welding-Modifications Section (25-07). The incumbents within this unit now have job titles specific to their primary skill. All weekly job classifications of the Fabrication Shop Unit (25-07-09) now have a title of Welder or Modifications Mechanic, consistent with the remainder of the Generator-Welding-Modifications Section (25-07).

Major Machinery Section, 25-08

Electrical/Instrument Unit 25-08-0C

After the close of the hearing, the parties stipulated to the following two paragraphs.

Effective May 1, 2000, the Modifications Electrical Unit (25-08-0C) was transferred in its entirety to Constellation Nuclear, Inc. That company will define the roles and responsibilities of this unit (41-10-02) in the Constellation Nuclear, Inc. organization. This unit is no longer a part of the Major Machinery Section (25-08) and the Company does not seek inclusion of any employees from this section.

The Major Machinery Section (25-08) and the Steam Generator-Welding-Modifications (25-07) sections have not changed except as noted above …. The responsibilities of these sections, job classifications therein, and job duties have not changed.

FUELS & BUSINESS PLANNING DEPARTMENT (Dept. 28)

After the close of the hearing, the parties stipulated to the following paragraph:

Effective July 3, 2000, the Fuels & Business Planning Department was moved in its entirety to Constellation Power Source Generation, Inc. While the primary responsibilities and functions of the department remain the same, it has undergone some reorganization. The responsibilities of the department, the job classifications therein, and all job duties remain the same as in the former organization and as was presented in the hearing, except as noted below.

Department 28 provides a wide variety of support to the former FED, now in Constellation Power Source Generation, Inc., including, fuels procurement, training and performance assessment, stock and non-stock procurement and storage, information technology support, fuel and ash handling, and business planning.

Fuels Procurement Unit, 28-00-02, Director-Bruce Barnaba

After the close of the hearing, the parties stipulated to the following paragraph: The Fuels Procurement Unit (28-00-02) has not changed, nor has the job classifications therein. All job responsibilities and roles in this unit remain the same as in the former organization and as was presented in the hearing.

The Fuels Procurement Unit purchases all of the coal, oil and natural gas used by the fossil plants. This unit includes two weekly classifications that the Petitioner would exclude from and the Employer would include in any appropriate production and maintenance unit: fuel planner and senior administrative assistant.

Fuel Planner, 28-00-02
Senior Administrative Assistant, 28-00-02

The fuel planner is Larry Ireland in pay grade 30. In December 1996, Ireland was the fuel planner in what was then unit 25-03-03. Department Manager Parks testified that his duties have not changed since then. The fuel planner in 28-00-02 coordinates delivery of coal from the mines to the fossil plants. He is in regular phone contact with the coal mines, railroads, barge delivery contractors, CPSG coal-handling units (supervisors or coal handling technicians-whoever answers the phone) and CPSG tugboat crews to make sure that coal is delivered to the right plants and is unloaded when it arrives. He spends the majority of his time (about 90%) in his office that is located on the second floor of the Fort Smallwood Road Complex office building. When he leaves his office, he typically interfaces with the fuel planner and maintenance planner located at the FSRC warehouse in the Fuel Operations Unit, 28-01-03, and with supervisors and the tugboat captain (excluded classification).

The fuel planner in 28-00-02 makes density determinations of coal piles twice a year after outside contractors take aerial photographs of the coal piles. He provides fly ash production data to the supervisor of Fuel Operations, 28-00-01, so that determinations can be made about fly ash tonnage delivered to landfills.

Plant technicians take and log in daily feeder readings from pulverizers that crush the coal in order to determine the daily tonnage going into the plant. Plant technicians also take daily fuel oil readings from fuel oil tanks. The plant technicians or the control room operators convey these daily feeder readings by phone or fax to the senior administrative assistant in 28-00-02, Matt Morgan, who keeps track of inventory so that Ireland can monitor daily inventory changes. Ireland and Morgan provide fuel data to the Federal Energy Regulatory Commission (FERC).

Senior administrative assistant, Matt Morgan, also reports to the second floor of the Fort Smallwood Road Complex office building (as do senior administrative assistants in 21-03-07 and 21-03-08, whom I have excluded from the unit) where he has a cubicle with a desk, computer, and file cabinets. Ireland sits right next to Morgan in another cubicle. The fuel buyers (excluded classification) sit in the same vicinity. Morgan provides backup for Ireland when he is out, about 10 percent of the time. Morgan also provides support for Ireland in determining coal and fuel oil inventories. He enters data concerning usage in the inventory management system. He occasionally make trips to the plants for inventory calibration purposes such as fuel tank checks.

During the 1998 reorganization, the title of Morgan's job changed from economy clerk to senior administrative assistant. From December 1987 until March 1994, Morgan worked as a plant operator. This was prior to cross training initiatives for plant technicians. Department 28 Manager Steven Parks testified that Morgan would have taken daily readings as part of his rounds when working as a plant operator trainee. Morgan also backs up the senior administrative assistant in Business Planning and Marketing Support Unit 28-04-03 to input historical unit performance data that is received from the control room operator or plant technician. This occurs

about 10 percent of the time during vacation or training periods. Morgan sits on the Fort Smallwood Safety Committee that meets at least quarterly for an hour or two.

I conclude that neither the fuel planner nor the senior administrative assistant in 28-00-02 shares a community of interest with production and maintenance employees in the unit found appropriate in Case 5-RC-14907. They have common immediate supervision by the Director of Fuels Procurement that is not shared by any other unit employee. In fact, there are no other unit employees in the fuels procurement unit. They have different skills and functions than unit employees. They work almost exclusively in an office where they perform fuel delivery coordination functions by telephone or track fuel inventory levels for supervision. They have no interchange with unit employees and perform no unit work. They perform no tasks that are functionally integrated with unit production and maintenance work. Moreover, the record establishes that the senior administrative assistant is primarily an office clerical employee. In these circumstances, I shall exclude the fuel planner and senior administrative assistant in 28-00-02 from the production and maintenance unit found appropriate in 5-RC-14907.

Training & Performance Assessment Unit, 28-00-03, Director-Wayne L. Whitaker

After the close of the hearing, the parties stipulated to the following paragraph: The Training & Performance Assessment Unit (28-00-03) has not changed, nor has the job classifications therein. All job responsibilities and roles in this unit remain the same as in the former organization and as was presented in the hearing.

The Training & Performance Assessment Unit conducts training primarily for all CPSG production and maintenance employees, and occasionally for employees of BGE divisions and employees of contractor. This training generally concerns safety and health, business literacy, equipment operation and technical skill development. The training is conducted either at the Fort Smallwood facility or at the plants. The employees who take such courses are plant technicians from Departments 21 and 23, as well as modification mechanics, machinery mechanics, and modification electricians from Department 25. For any given course, the training curriculum is the same for all students, and any given course may include students from all CPSG departments.

Unit 28-00-03 teaches several courses such as equipment operation, safety & health and business literacy. Weekly employees from all CPSG departments take these courses, often in the same class as employees from other departments. This unit also conducts performance assessment investigations of incidents or mishaps at the plants.

This unit includes four weekly classifications that Petitioner would exclude from and the Employer would include in the voting unit: technical training instructor, safety specialist, training aide, and principal administrative assistant.

Principal Administrative Assistant, 28-00-03

The principal administrative assistant, Carol Rickel, in grade 28 job. She is supervised by the performance and training assessment work leader in work group 2, who also supervises the generation analyst (excluded classification) and safety specialist (excluded classification, as explained below). She maintains and administers training records and inputs data that she receives from the technical training instructors into the training software system. She frequently retrieves training reports or training records from the computer database for supervision. She reports to a typical office environment that is heated and air-conditioned and that is located

adjacent to the classrooms and labs in the second floor training area at the Fort Smallwood Shops Complex. That training area contains computers, desks and file cabinets, and resource and training materials. The principal administrative assistant has an office cubicle is in the midst of the office cubicles for the technical training instructors. She has daily interaction with the technical training instructors concerning data administration and information management. She works a flexible schedule, typically 7:30 a.m. to 4 p.m. She spends the vast majority of her time in the office area entering data into a computer. Her background and experience is in secretarial positions in which she performed clerical work. The record fails to establish that she has any regular contact with trainees.

I conclude that the principal administrative assistant in 28-00-03 does not share a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. This classification has different skills and functions than unit employees and works exclusively in an office environment performing clerical tasks with office tools. In addition, this classification has separate supervision from unit employees and does not interchange with unit employees or perform a function that is integrated with unit production and maintenance work. Therefore, I shall exclude the principal administrative assistant in the Training & Performance Assessment Unit from the unit found appropriate in 5-RC-14907. Mitchellace, Inc., 314 NLRB 536, 536-37, enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites and Polymers Co., 313 NLRB 1105 (1994); Jackel Motors, 288 NLRB 730, 742 (1988); Container Research Corp., 188 NLRB 586, 587 (1971). See also Westinghouse Electric Corp., 118 NLRB 1043 (1957); Hygeia Coca-Cola Bottling Co., 192 NLRB 1127 (1971); Idaho Power Company, 126 NLRB 547 (1960).

Safety Specialist, 28-00-03

The safety specialist in 28-00-03 is Jeff Moore in pay grade 30. He has an office cubicle in the training area near the technical training instructors on the second floor of the Fort Smallwood Complex. He uses a computer to compile and analyze data. Typically, his work hours are from 7 a.m. to 3:30 p.m., but he can work flex time.

The safety specialist and simulator analyst work leader (excluded classification) conduct human performance enhancement system training for former Fossil Energy Division, now CPSG, employees and for employees from BGE divisions. Moore is the facilitator of the FEARNOT event assessment teams and participates in the safety and health training subcommittee that develops training for safety programs and reviews OSHA regulations and safe work practices. Moore audits compliance with departmental safety programs and advises supervision of the results through safety audit reports, although the record establishes that just about any classification that has been trained can complete FEARNOT observation forms or conduct safety audits.

The safety specialist serves as a consultant to line supervision for their investigation of on- the-job accidents, for their preparation of reports, and for their recommendations for corrective action. Although the safety specialist assists in the investigation of root causes of accidents attributable to certain behavior, he does not make any recommendations to supervision regarding the discipline of employees.

Moore develops and conducts training plans for safety and health programs and annual safety re-qualification training. Parts of the annual safety and health re-qualification classes are taught by safety specialists assigned to the power plants in 20-01-02, formerly 28-01-05. Moore

also conducts some operations training because he has a plant operator background in gas operations. Two or three times a year he will fill in for a plant safety specialist in 20-01-02, formerly 28-01-05 or in support of Department 25. He has also helped plant safety specialists perform weekend work on several occasions during the past six months. Thus, Moore is sometimes matrixed to Project Manager, Steve Wallace, who supervises the former Fossil Safety & Health Unit (28-01-05), now the Safety Unit in the Environmental Health-Safety Division (20-01).

The applicable job description includes DOT requirements. Moore has a commercial driver's license and volunteers to drive fly ash trucks on weekends when additional drivers are needed in Department 21 (Brandon Shores/Wagner).

I conclude that the safety specialist in 28-00-03 does not share a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. This classification has different skills and functions than unit employees and separate immediate supervision from unit employees. The safety specialist works primarily in an office or classroom setting with other excluded classifications, performs a safety support function for both unit and non-unit employees, and has regular interaction and extensive contact with supervision. The safety specialist only occasionally volunteers to perform unit work outside his primary area of responsibility by driving a fly ash truck when additional drivers are needed on weekends. In these circumstances, I shall exclude the safety specialist in the Training & Performance Assessment Unit from the production and maintenance unit found appropriate in 5-RC-14907. See Power, Inc., 311 NLRB 599, 608 (1993), enforced, 40 F.3d 409 (D.C. Cir. 1994) (excluding safety director responsible for on-site safety related matters from a production and maintenance unit because of his distinctive skills, despite daily contact with field employees).

Technical Training Instructor, 28-00-03

During the 1998 reorganization, the training function that was performed in Department 25 was moved into Department 28. There are seven technical training instructors in pay grade 30 in 28-00-03. I note that this classification was included in the unit in 1996 by agreement of the parties. Three of the technical training instructors are supervised by the senior technical training instructor in work group 3. Four of the technical training instructors are supervised by the simulator analyst work leader in work group 4, who also supervises the training aide, a disputed classification discussed below. The technical training instructors work different schedules. Several of them work four 10-hour shifts and others work five 8-hour days. They all work daytime hours, although there may be an occasion once or twice a year when they work night shifts to train plant personnel performing shift work. The technical training instructors conduct training at plant sites as well as at the Fort Smallwood training area.

The technical training instructors typically specialize in certain craft skills based on their craft backgrounds and prior experience in areas such as instrument and controls, mechanical maintenance, electrical maintenance, and welding. See e.g., Er. Exh. 84 (a)-(g). They are all qualified to perform safety and health and equipment training. Each instructor has an office cubicle on the second floor of the Fort Smallwood Shops Complex in the training area. They assign training tasks. They administer, grade and proctor tests in a classroom setting and provide feedback to line supervision concerning the grade or score of trainees on skill evaluation tests. Passing grades are preset at an 80% passing grade as defined by a procedure in the training process. The technical training instructors have no authority to discipline employees or to make a recommendation to plant or mobile supervision that an employee be demoted or receive an

adverse proficiency rating because of their performance in a training course. Such a determination would be made by an employee's supervisor. Generally, if an employee trainee fails a training course or test, they are re-tested or they receive additional training until they can achieve or maintain their proficiency skill.

The applicable job description provides that the technical training instructors must have six years of work experience as a craftsmen and must periodically work in the field as craftsmen to maintain technical expertise. For example, Director Whitaker testified that welding instructor, Tim Riley, has recently been working on weekends in the plants or in Department 25's fabrication shop (25-07-09) to support the workload. When doing so, he would work under Department 25 or plant supervision. Riley also worked on the overhaul of the main boiler fuel pump at Brandon Shores during the spring outage of 1999. Another technical training instructor, Mr. Vana, worked at the electrical maintenance shop at Wagner during a recent four or five-week outage. Similarly, two mechanics instructors, Tom Cochran and Mark Dolle will be supporting the mobile maintenance major machinery section (25-08) to perform turbine overhaul under Department 25 supervision during the spring 2000 outage at Calvert Cliffs. These are all temporary assignments in which the technical training instructors work under unit supervision at the power plants.

I conclude that the technical training instructors in 28-00-03 do not share a sufficient community of interest with production and maintenance employees in the unit found to be appropriate in 5-RC-14907. Except during limit periods of time when they work in the field to maintain their technical expertise, the technical training instructors use different skills and perform different functions than unit employees. They predominantly teach unit employees how to perform their jobs without actually performing hands on unit work themselves. They have separate immediate supervision from unit employees and perform their instruction in a classroom setting. Such instruction is obviously relevant to, but not functionally integrated with, actual unit production and maintenance work. The fact that some of the technical training instructors do perform occasional outage or weekend work to maintain their technical expertise does not compel a different conclusion. Not all of the instructors perform such work, and working in the field is not part of the primary responsibilities of a technical training instructor. In addition, the technical training instructors and production and maintenance employees interact in an instructor-student relationship. In Western Electric Co., 126 NLRB 1346, 1356 (1960), the Board excluded section chief instructors, who were graduate engineers and taught courses to engineers employed by Western Electric from the petitioned-for unit of professional engineering employees. Although the instructors did not qualify as supervisors, the Board concluded that they lacked a community of interest with those in the bargaining unit because "[t]he relationship between the section chief, instructor, and the engineer undergoing training is one of instructor-student." 126 NLRB at 1356. Applying Western Electric, I find that the technical training instructors should similarly be excluded from the production and maintenance unit found appropriate in 5-RC-14907. Their relationship to employees is one of instructor-student as they train, make assignments, administer tests, and assign grades to these employees. In these circumstances, I shall exclude the technical training instructors in the Training & Performance Assessment Unit from the production and maintenance unit found appropriate in 5-RC-14907 because they do not share a community of interest with unit employees.

Training Aide, 28-00-03

Mr. Primus is the training aide in grade 26 in 28-000-03. He was previously the training aide in 25-04-05 in 1996. Currently, the training aide classification provides basic logistical support to the various technical, safety and health and equipment training activities by setting up classrooms and training labs, by transporting training aids and equipment to various training sites outside the Fort Smallwood Complex, and by replenishing and ordering training supplies. The training aide, works a 4/10 schedule; four days a week, 10 hours a day. The training aide normally reports to an office cubicle on the second floor of the Fort Smallwood Shops Complex training area where the technical training instructors report.

In accordance with the applicable job description, the training aide must pass the clerical testing battery and must perform various clerical duties such as ordering training supplies and filing lesson plans and training records. The training aide interacts with plant technicians and mobile maintenance employees, who receive training, when he sets up the classroom or lab, moves training aids to specific sites at the plants, or provides overhead slides or AV equipment. When assembling training materials and reconditioning training classrooms and facilities, the training aide uses basic hand tools such as pliers, wrenches and hammers to remove white boards and AV screens from walls and ceiling mounts. He attends vehicle safety training provided by Department 28. The training aide supplies and stocks locked tool boxes in the training rooms and the tool crib in the mechanical labs. He also stocks instruments for diagnosing and troubleshooting electrical problems. About two years ago, during an outage, the training aide was loaned out to support the tool room attendant in 25-08-OE. The simulator analyst, who is the work leader for training instructors, directs and assigns work to the training aide on a daily basis.

I conclude that the training aide in 28-00-03, like the technical training instructors in 28-00-03, does not share a sufficient community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. He uses different skills, performs different tasks and has different supervision. The training aide shares common supervision with the seven technical training instructors who are supervised by the simulator analyst work leader. The simulator analyst work leader does not supervise any unit employees. The training aide essentially provides a support function for the technical training instructors. Although the training aide interacts with plant technicians and mobile maintenance employees when he sets up classrooms or labs for training, neither this contact, nor the training aide's use of basic hand tools to set up training venues, is related to the performance of unit work. Unlike the technical training instructors, whom I have excluded from the unit, the training aide does not perform any unit work to maintain any technical level of expertise. In these circumstances, I shall exclude the training aide in the Training & Performance Assessment Unit from the production and maintenance unit found appropriate in 5-RC-14907.

Procurement Services Unit, 28-00-04, Director-Joann Lingner

After the close of the hearing, the parties stipulated to the following paragraph: The Procurement Services Unit (28-00-04) has not changed, nor has the job classifications therein. All job responsibilities and roles in this unit remain the same as in the former organization and as was presented in the hearing.

The Procurement Services Unit handles procurement and storage of stock and non-stock items for the former FED, now CSPG. This unit includes two weekly job classifications that

Petitioner would exclude from and the Employer would include in any appropriate production and maintenance unit in Case 5-RC-14907: procurement coordinators and senior administrative assistants.

Procurement Coordinator, 28-00-04

There are three procurement coordinators in pay grade 28 in 28-00-04. They previously worked as purchasing assistants in either Department 25 or Purchasing and Materials Management Department 73-00-09 (BGE's General Services Division). About June 1, 1998, they were transferred into Fuels & Business Planning Department 28 in the former Fossil Energy Division, now CSPG.

Procurement coordinators buy materials as do buyers, senior buyers and buyer analysts (excluded classifications) in 28-00-04. The senior buyer analysts are the work leaders for the Procurement Services Unit, 28-00-04. Work groups are located at the Fort Smallwood warehouse and office, and at the Brandon Shores Service Building. Warehouse hours are generally 6:30 a.m. to 3:30 p.m. The procurement coordinators work said hours, although the procurement coordinator at Brandon Shores generally starts and ends work one hour later. The procurement coordinators fill in and substitute for one another during periods of absence, vacation, or illness.

Procurement coordinators have purchasing authority up to $25,000, whereas buyers have purchasing authority up to $50,000, and senior buyers have purchasing authority up to $100,000. Buyers typically handle longer-term agreements and then issue blanket orders. Procurement coordinators often issue sub-order releases off the blanket purchase orders set up by the buyers. Procurement coordinators negotiate among vendors and negotiate price and delivery dates with outside suppliers.

Procurement coordinator, Kathy Velky, reports to the second floor office area of the Brandon Shores Service Building. She spends 25 percent of her time handling stock material and the remainder of her time handling non-stock or customer service issues. She sits right next to the maintenance planners at Brandon Shores and has frequent face-to-face contact with them. She also interacts with maintenance planners at the Wagner plant, with the senior administrative assistant at both facilities (21-03-07 and 23-03-05) and with plant technicians in Department 21. About once a month, she telephonically or electronically handles transactions for the senior buyer analyst (excluded classification in pay grade 78) at Crane. When handling these transactions, Velky does not physically go to Crane, nor does not receive an increase in her grade 28 pay.

Procurement coordinator, Denise Green, reports to the Fort Smallwood warehouse, a one-floor building. See Er. Exh. 87. Green was a procurement assistant in Department 25 in 1996. She currently has a desk in an enclosed office area in the main warehouse building at Fort Smallwood near the loading dock. Two of the four walls in this area are made of glass and provide vistas to the warehouse. A solid wall abuts the loading dock. Another solid wall extends into the warehouse area but has no glass. Senior administrative assistant, Phyllis Dettmer, sits next to Green. A buyer (excluded classification) sits in the same room. There are three desks, three computers, a printer, a fax machine, an ice machine and a coffee pot in this area.

There are four material handlers and one senior material handler (included classifications) at this location.[16] Two of these material handlers (included classification) sit at desks inside the warehouse against the solid wall and outside the office where Green is located. The other material handlers have desks near the loading dock area in the warehouse. Material handlers at the Fort Smallwood warehouse temporarily work in plant tool rooms or storerooms during outages.

The senior material handler generally is more knowledgeable about warehouse or storeroom operations and has more contacts with plant personnel or mobile maintenance personnel when handling inquiries about materials in stock. Material handlers receive material at the loading dock. They store material on racks throughout aisles in the warehouse, although large material such as steel is stored outside in the yard. They pull material from the warehouse and drive trucks to deliver material to drop points at other facilities such as Brandon Shores and Wagner.[17] They operate forklifts, tri-loaders, cranes and cherry pickers to pickup, deliver and move material, including material unloaded at drop off locations. They use handheld computers to scan and monitor bar-coded inventory. The procurement coordinators and senior administrative assistants do not operate this equipment. The material handlers use computers at their desks to track warehouse inventory on an automated warehouse management system, a software program that interfaces with the business information system, in which purchase orders are kept. The procurement coordinators use a separate materials management system. Generally, all classifications in Procurement Services Unit use computers to communicate by e-mail and to record their work time in the computerized time entry system.

The material handlers or senior material handlers contact one of the procurement coordinators about defective material or problems with inventory orders. Director Lingner testified that procurement coordinator Green spends the majority of her time managing the inventory of stock items at the Fort Smallwood warehouse, particularly fast turnover items such as wiping cloths. Green goes back to the aisles in the warehouse about six times a month. Lingner estimated that a material handler at the Fort Smallwood warehouse might enter Green's enclosed office area about 10 times a day to discuss problems with stock or receipts. Truck drivers may also enter this area to seek further direction when delivering materials. Lingner testified that Green enters the warehouse or goes into the yard to check on material about 10 times a day and may interact with material handlers when doing so. This interaction typically takes place at the desks of the material handlers in the warehouse area.

A procurement coordinator may request that a material handler perform a visual inventory inspection to verify the amount of material in stock. Procurement coordinator Green has frequent telephone contact with maintenance planners ordering stock material in 21-03-07, 21-03-08 and 23-03-05. The maintenance planners place stock orders by computer through their work management system, and this system interfaces with the automated warehouse management system and business information system. The procurement coordinators are more inclined to contact the maintenance planners than vice versa. Procurement coordinator Green also interacts by phone or by computer notes with project planners in Department 25-00-02 (whom I have included in the unit) when they order materials or stock items. Lingner testified that it was "not

[16] There is another senior material handler (included classification) located at the storeroom in a building outside the Crane plant, who spends about half his time in the tool room inside the Crane plant. The Crane storeroom essentially operates as a satellite of the Fort Smallwood warehouse with regard to inventory. It is about one-tenth the size of the warehouse

[17] Fossil truck drivers (included classification) also deliver materials.

unlikely" that Green would also deal with "walk-in" employees from mobile maintenance or plant maintenance, who order or pick up replacement parts. Lingner explained that walk-ins from the plants or mobile maintenance workforce occur on a continual basis each day. She further testified that because the enclosed office area is visible to employees entering the warehouse, these walk-ins may initially seek assistance from procurement coordinator Green.

Procurement coordinator, Betsy Stewart, reports to the Fort Smallwood Office building, second floor. In 1996, Stewart reported to the Rutherford Business Center, as did senior administrative assistant Dettmer. As a result of the change in job location, Dettmer now interacts with walk-ins in the warehouse.[18] Lingner explained that Stewart's duties are similar to Green's duties, except that Stewart fills in for senior administrative assistant, Franca Murphy, who is located at the Fort Smallwood office area. Procurement coordinator Stewart services the power plants and mobile maintenance forces and generally manages replacement part items with long lead times. Procurement coordinator Stewart visits the warehouse at least once and maybe twice a day. She spends about one-half hour there each visit. The warehouse is approximately a five-minute walk from her office. When visiting the warehouse she interacts with the other procurement coordinator (Green), the senior administrative assistant (Dettmer), the buyer, and the material handlers and senior material handler.

I conclude that the procurement coordinators in 28-00-04 are predominantly plant clerical employees whose duties are functionally integrated with and related to the production process and who share a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. Plant clerical employees are customarily included in a production and maintenance unit because they generally share a community of interest with production and maintenance employees in the unit. Raytec Co., 228 NLRB 646 (1977); Armour & Co., 119 NLRB 623 (1958); Brown & Root, Inc., 314 NLRB 19 (1994). I find that the procurement coordinators perform typical plant clerical duties, such as maintaining inventories and ordering supplies, as compared to the typical office clerical duties performed by the senior administrative assistants such as billing, payroll, and phone and mail duty. See e.g., Hamilton Halter Company, 270 NLRB 331 (1984).

The procurement coordinators regularly interact with other unit employees such as maintenance planners, project planners, material handlers and plant technicians. The procurement coordinator at the warehouse spends the majority of her time managing the inventory of stock items for the plants and mobile maintenance. She sits in a glass office area that provides a view into the warehouse. She has regular interaction with maintenance mechanics and plant technicians, who regularly have walk-in orders for parts. She enters the warehouse or goes into the yard to check on material about 10 times a day and may interact with material handlers when doing so. This interaction typically takes place at the desks of the material handlers in the warehouse area, but may also occur in the procurement coordinator's office. The discussion concerns the confirmation of item numbers, the rejection of material, or the status of rush orders. She uses the same computerized inventory system used by the material handlers. The procurement coordinator at the Brandon Shores Service Building predominantly handles stock and non-stock materials and has regular face-to-face contact with the maintenance planners and plant technicians at both the Brandon Shores and Wagner plants, whom I have included in the unit. The procurement coordinator at the Fort Smallwood Office Building performs duties similar to the procurement coordinator at the warehouse. She services the power plants and mobile

[18] There is a distribution and gas division warehouse at the Rutherford Business Center, but Stewart, Velky, and Dettmer were not involved in procurement related to that warehouse in 1996.

maintenance work forces, procures replacement part items with long lead times, and visits the warehouse at least once a day in conjunction with plant clerical duties, where she interacts with the materials handler and warehouse procurement coordinator.

The procurement coordinators, like other unit employees, are in pay grade 28, whereas the buyer, buyer analyst and senior buyer are primarily in monthly pay grade 78. Finally, I note that there are senior administrative assistants in pay grade 26 in the Procurement Services Unit, whom I have excluded from the production and maintenance unit found to be an appropriate unit in 5-RC-14907 because they are office clerical employees. In these circumstances, I shall include the procurement coordinators in the Procurement Services Unit 28-00-04 as plant clerical employees in the production and maintenance unit found appropriate in 5-RC-14907.

Senior Administrative Assistant, 28-00-04

There are two grade 26 senior administrative assistants in 28-00-04, Phyllis Dettmer and Franca Murphy. As noted, Dettmer works in the Fort Smallwood warehouse (work group 2) in the same office area as procurement coordinator, Denise Green. She reports to the senior buyer analyst, who is the work leader for work group 2. She provides clerical support to the procurement coordinators, material handlers and senior material handler, senior buyer analysts, and buyer at the warehouse. She types purchase orders from computer printouts and from notes that procurement coordinators have prepared and she faxes them to suppliers. She makes a lot of phone calls on behalf of procurement coordinators to expedite or determine the status of deliveries. She also types and prints out management reports. She answers the phone located in her office and occasionally answers another phone next to the material handlers' desks in the warehouse since this phone triggers a loud buzzer when it is not answered. Dettmer escorts individuals, who enter the office area, to a material handler for warehouse assistance.

Dettmer generally works 8:30 a.m. until 5:00 p.m., with flex time. Because she works past normal warehouse hours, she occasionally signs for late deliveries for material handlers and shows individuals where to pick up material after normal warehouse hours. However, if a part was needed at 9 p.m., a material handler would be called in to "pick" the part, not a procurement coordinator or senior administrative assistant, who do not operate forklifts.

Murphy has a desk on the second floor of the Fort Smallwood office area (work group 3) next to the procurement coordinator. She works 7:00 a.m. to 3:30 p.m., with flex time. She spends the majority of her time processing non-stock purchase orders for mobile maintenance requirements. Until 1998, this job was previously performed by a clerk in mobile maintenance. Murphy receives these handwritten purchase requests from the maintenance planner in 25-09-03 and prepares purchase orders after contacting outside suppliers or vendors. She uses a procurement card to make ordinary credit purchases from suppliers much like senior administrative assistants Hart at Brandon Shores (21-03-07), Smith at Wagner (21-03-07), and Collins at Crane (23-03-05). All procurement cards have $10,000 limit.

I conclude that the senior administrative assistants in 28-00-04 are office clerical employees who do not share a community of interest with production and maintenance employees in the unit found to be appropriate in 5-RC-14907. They have different skills and functions than unit employees and work exclusively in an office environment performing office clerical tasks such as typing, faxing, and ordering. They do not regularly interchange with any unit employees, and do not perform work that is functionally integrated with unit production and maintenance work. In these circumstances, I shall exclude the senior administrative assistants in

the Procurement Services Unit from the production and maintenance unit found appropriate in 5-RC-14907. Mitchellace, Inc., 314 NLRB 536, 536-37, enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites and Polymers Co., 313 NLRB 1105 (1994); Jackel Motors, 288 NLRB 730, 742 (1988); Container Research Corp., 188 NLRB 586, 587 (1971). See also Westinghouse Electric Corp., 118 NLRB 1043 (1957); Hygeia Coca-Cola Bottling Co., 192 NLRB 1127 (1971); Idaho Power Company, 126 NLRB 547 (1960).

IT & Process Management Unit, 28-00-05, Director-William Dunson

After the close of the hearing, the parties stipulated to the following paragraph: The IT & Process Management Unit (28-00-05) remains in Department 28, but has established a reporting relationship with the Systems & Strategy Division (Q3-00-01) in Constellation Power Source, Inc. The responsibilities of the unit, the job classifications therein, and all job duties remain the same as in the former organization and as was presented in the hearing.

The Information Technology and Process Management Unit is responsible for the installation and maintenance of the computers and software used by employees in the former FED, now CSPG. It is also responsible for the storage and retrieval of engineering drawings used by employees in CSPG, and for various personnel matters, such as interpretation of policy, adjustments to salary, and discipline. This unit consists of four subgroups, two in the process management or management systems area, one dedicated to information technology, and another dedicated to administrative services. Each of the employees in this unit reports to the Fort Smallwood office complex, second floor and wears casual attire or casual business attire. The Petitioner seeks no employees in this unit. The Employer seeks to include the management systems technician, senior administrative assistant, and system support technician in any production and maintenance unit found appropriate in Case 5-RC-14907.

Management Systems Technician, 28-00-05

Jim Rich is the management systems technician in this unit in pay grade 30. He reports to the Fort Smallwood office area on the second floor, where he spends 85 percent of his time. He works a fixed schedule from about 4:30 or 5 a.m. to about 1 p.m. His schedule permits him to interface with early arriving plant personnel to resolve automated problems related to the maintenance system. Each plant has various computer-operated subsystems, and the Fort Smallwood Office itself has about nine subsystems. He is supervised by the senior management systems analyst, who also supervises the management systems analyst (excluded classification) and the senior administrative assistants, whom I have excluded from the unit for the reasons set forth below.

The management systems technician works specifically with computerized plant maintenance subsystems, whereas the support system technician deals more with mainstream computer applications. The management systems technician provides a help desk function and troubleshoots problems in the plants for the maintenance system and subsystems. All of the Departments in CSPG use the same management system to perform work overhauls, including mobile maintenance personnel and plant personnel. The management systems technician services the maintenance system software and hardware by visiting the power plants, shops, and job sites and determining why the system or computer is not reporting data properly or otherwise not operating properly. As noted, he spends about 15 percent of his time visiting the plants, shops, or job sites. When accessing the computers, the management systems technician must sometimes

crawl through small spaces or climb stairs or metal barriers to higher elevations to perform his work.

The management systems technician performs training whenever there is a system change or upgrade. Recently, he has conducted a lot of training in the plants on EDM-1 View, the computerized system that captures engineering drawings and vendor prints. He has been designated as the systems administrator to handle implementation of the EDM-1 View. He spearheads a work team from the plants and from engineering that identifies and arranges over 70,000 drawings to be scanned into the computerized network so that plant personnel can view engineering drawings online. He has also conducted plant training on the upgrading of the Fossil Maintenance System to the MP-2 product, and has been heavily involved in the implementation and debugging of the MP-2 computerized system. He received a couple of days worth of training in South Carolina that was conducted by Datastream Company concerning Datastream's MP-2 product. He occasionally deals with outside vendors to work out bugs in the system.

The management systems technician also functions as the CPSG coordinator for handling employee suggestions to improve word processing and he follows up on corrective action reports. There is no degree requirement for this classification. The management systems technician and senior administrative assistants are both in work group 3 and are supervised by Joe Harper, senior management systems analyst.

I conclude that the management systems technician in 28-00-05 does not share a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. This classification has different skills and functions than unit employees and has separate immediate supervision from unit employees. The management systems technician works primarily in an office area with other excluded classifications, performs a troubleshooting computer support function for both unit and non-unit employees, has no interchange with unit employees, and does not perform tasks that are functionally integrated with production and maintenance work. In these circumstances, I shall exclude the management systems technician in the Information Technology & Management Process Unit from the production and maintenance unit found appropriate in 5-RC-14907.

Senior Administrative Assistant, 28-00-05

Pam Gross and John Hartline are the two senior administrative assistants in pay grade 26 in 28-00-05. They work flex time and rotate their schedules so that they cover the core hours of 6 a.m. to 4:30 p.m. They report to the second floor office area at the Fort Smallwood Road Complex. Pam Gross is the primary record keeping coordinator for the Employee Recognition Award Program and John Hartline is the backup coordinator.

The senior administrative assistants primarily perform drawing control functions. They were previously called engineering document processors in 25-04-03. About 95 percent of their time, they control engineering drawings and aperture cards that are constantly updated or changed. They file and maintain the integrity of engineering drawings and retrieve them when requested by users such as engineers, maintenance planners, plant technicians or mobile maintenance personnel. The senior administrative assistants file the engineering drawings that they are responsible for by hard copy in a file room located on the first floor of the Fort Smallwood Complex. An automated computer system called EDM-1-View allows plant personnel to view drawings online. The other five percent of their time, the senior administrative assistants perform front desk relief work or attend meetings.

I conclude that the senior administrative assistants in 28-00-05 are office clerical employees who do not share a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. They have different skills and functions than unit employees. They work exclusively in an office environment performing filing functions for engineering drawings and other office clerical tasks. They have separate supervision from unit employees, they do not regularly interchange with any unit employees, and the filing work that they perform is not functionally integrated with unit production and maintenance work. Therefore, I shall exclude the senior administrative assistants in the Information Technology & Management Process Unit from the production and maintenance unit found to be an appropriate unit in 5-RC-14907. Mitchellace, Inc., 314 NLRB 536, 536-37, enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites and Polymers Co., 313 NLRB 1105 (1994); Jackel Motors, 288 NLRB 730, 742 (1988); Container Research Corp., 188 NLRB 586, 587 (1971). See also Westinghouse Electric Corp., 118 NLRB 1043 (1957); Hygeia Coca-Cola Bottling Co., 192 NLRB 1127 (1971); Idaho Power Company, 126 NLRB 547 (1960).

Systems Support Technician, 28-00-05

John Weininger is the systems support technician in this unit in pay grade 30. He works a fixed schedule from 6 a.m. to 1:30 p.m. His immediate supervisor is the information technology leader in 28-00-05, who does not supervise any unit employees.

The systems support technician is responsible for installing and maintaining hardware and software in the fossil plants and other locations throughout CPSG, including locations where mobile maintenance is setting up shop at the plants or in a mobile maintenance trailer during outages. He troubleshoots computer related hardware and software problems and performs a "help desk" function for any classification (unit for non-unit) that has called in a computer problem, including supervisors. If he cannot resolve a computer problem that has been called in over the phone (such as a password problem), he goes to the field location in an effort to resolve the problem. Because of the unique and specialized subsystems in the former FED, now CPSG, he frequently sits beside and work with the employee experiencing the computer problem when he is out in the field. He spends about 25 percent of his time at plant locations and the balance at the Fort Smallwood office area.

The systems support technician installs computer hardware at the plants during outages and recently installed approximately 250 upgraded computers at various plant locations. The IT analyst and IT work leader (excluded classifications) were also involved in this computer installation project. The IT analyst (excluded classification) handles the more technologically sophisticated work and may direct the systems support technician concerning basic installation and implementation of software.

The systems support technician also recently installed new software for Microsoft Outlook, i.e., e-mail software that will replace cc-mail. He performs one-on-one or small group training for employees concerning different software packages, including Microsoft Outlook. The systems support technician will occasionally deal with outside vendors when ordering parts.

The systems support technician uses computer tools such as screwdrivers, pliers, and a computer tool kit to perform preventative maintenance on computers in the field. There is no degree requirement for this classification, although the systems support technician has taken some courses dealing with Microsoft Outlook. The job history for the systems support technician

indicates that he has a mechanic and maintenance planner background, although this is not a requirement for the position. The systems support technician attends Department 28 safety meetings.

I conclude that the systems support technician in 28-00-05 does not share a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. This classification has different skills and functions than unit employees and separate immediate supervision from unit employees. The systems support technician works primarily in an office area with other excluded classifications, performs a troubleshooting computer support function for both unit and non-unit employees, has no interchange with unit employees, and does not perform tasks that are functionally integrated with production and maintenance work. In these circumstances, I shall exclude the systems support technician in the Information Technology & Management Process Unit from the production and maintenance unit found appropriate in 5-RC-14907.

Operations Support Section, 28-01 (formerly Ash Operations & Marketing Unit, 28-01-02)

After the close of hearing, the parties stipulated to the following paragraph: The Ash Operations & Marketing Unit (28-01-02) has been renamed and is now called the Operations Support Section (28-01). The role of this section has been expanded to include a Facilities Maintenance Unit (28-01-04). On July 3, 2000, the Facilities Maintenance Unit (28-01-04) was created in the Fuels & Business Planning Department and placed in the Operations Support Section (28-01). Employees, formally a part of the Facilities and Fleet Services, Fossil-North Section (75-08) in the General Services Division, Facilities and Fleet Services, Department 75, were transferred into the Operations Support Section (28-01) and are now employees of Constellation Power Source Generation, Inc. The primary role of this new Facilities Maintenance Unit (28-01-04) is to maintain the office facilities, grounds and vehicles of Constellation Power Source Generation, Inc. The responsibilities of the unit, the job classifications therein, and all job duties remain the same as in the former organization and as was presented in the hearing. The Employer seeks the inclusion of these positions in the same production and maintenance voting unit as other employees in Department 28. The Petitioner agrees to include the facility and equipment technicians and the vehicle mechanics, but does not seek to include the senior administrative assistant or the facility coordinators. The weekly job classifications transferred from the Facilities and Fleet Services, Fossil- North Section (75-08) include the following:

(1) Sr. Administrative Assistant (from 75-08-01)
KOMORNIK,MELANIE L

(5) Facility Coordinators (from 75-08-02)
ALFINITO,CHARLES V,,SR
CARTER,JOHN R
HAWKINS,RAYMOND L
LIZARDO,PEDRO Q
REITER,JEROME G

(4) Facility & Equipment Technicians (from 75-08-03)
ARMSTRONG,EDWARD L
JANIAK,ANDREW A
PHILLIPS,EARL L,,JR
SITES,GARY R

(3) Vehicle Mechanics (from 75-08-04)
LEAP,ROBERT K,,JR
TSOTTLES,PAUL J
WARREN,DONALD L

The former Ash Operations & Marketing Unit, now called the Operations Support Section, manages all of the coal ash and bottom ash by-product generated as a result of coal combustion operations at Brandon Shores, Wagner and Crane. Fly ash is stored in silos until fossil truck drivers or contractors haul the ash away.

Both parties have agreed to the inclusion of the equipment operator and truck driver classifications in an appropriate unit. The truck drivers operate tri-axle dump trucks and need a commercial driver's license. Occasionally, an employee from mobile maintenance, Mr. McCreedy, drives a truck for this unit. The equipment operators handle heavy construction-type equipment such as dozers, rollers, or front-end loaders.

Only the site coordinator classification is at issue in 28-01-02. The Employer would include the site coordinator in an appropriate unit based on community of interest principles. The Petitioner does not seek to represent the site coordinator.

Site Coordinator, 28-01-02

Barry White is the site coordinator in grade 29. He typically works four 10-hour days, from 7 a.m. to 5 p.m. He coordinates activities at land fill sites where coal ash is dumped such as Rossville, a coal ash reclamation site and sand and gravel mine near Waugh Chapel. He performs administrative-type activities associated with the ash placement function at Brandon Shores, Brandon Woods,[19] Wagner, and Crane.

About 80-90% of the site coordinator's time is spent in the Brandon Shores field office in a large common area. This common area contains the site coordinator's desk, another desk, a coffee pot, refrigerator, and common computer that the truck drivers and equipment operators may use a couple hours a week to check e-mail or other corporate communications. The site coordinator uses the common computer about 15 percent of his time, primarily to prepare daily

[19] A dual purpose site for 1) management of coal ash generated by Brandon Shores and Wagner and 2) an industrial real estate project.

reports about the number of outside contractor truck drivers and equipment operators that are being used and how many loads of coal ash left each plant location. CPSG has about 11 truck drivers in the unit and uses between 10 and 18 contract truck drivers daily. The site coordinator spends about 10 to 15 percent of his time coordinating and directing contract equipment operators and unit truck drivers and equipment operators during loading operations at silos. The site coordinator puts their time sheets on a master sheet for record keeping and payment purposes and occasionally approves payroll reports for contractors. The site coordinator also spends about two hours a week in the coal-handling office at the Brandon Shores/Wagner Complex, just south of the Brandon Shores power plant. He has no assigned desk or computer. Instead, he shares a common area and computer equipment with other weekly employees.

About 10-20% of the site coordinator's time is spent actually operating equipment. Site Coordinator White came from the equipment operator ranks and has experience operating all the equipment in the unit. He also has a commercial license to drive the dump trucks. He spends about three to four weeks a year operating equipment. About November 1999, White spent three to four weeks operating equipment full-time at Brandon Woods. He also spent about a week operating equipment in the spring of 1999. In a typical week, however, the site coordinator might not operate equipment at all. The site coordinator is dispatched to operate equipment on projects, when needed. He periodically drives a truck, as needed, on weekends.

The applicable job description requires the site coordinator to oversee or perform daily and weekly preventive maintenance to company-owned equipment on site. The applicable job description requires satisfactory completion of the construction and skilled trades test. The equipment operator, whom the parties have agreed to include in an appropriate unit, has the same test requirements. When the site coordinator is actually operating heavy equipment, he performs normal operational responsibilities such as checking the oil and antifreeze and removing material trapped in the tracks of dozers or loaders. Otherwise, the site coordinator performs maintenance infrequently. The site coordinator oversees maintenance work performed by unit truck drivers or equipment operators to verify that the work has been performed. The applicable job description requires a commercial driver's license because he may need to drive a truck. Site coordinator deals with grading and sediment control inspectors from various regulatory agencies. He uses surveying-type equipment, such as a transit, a couple of times a year.

The site administrator, a stipulated supervisor, provides first-line supervision for the truck drivers, equipment operators and site coordinator. The site coordinator provides principal relief for the site administrator and substitutes for him about four to six times a month. The record fails to establish that the site coordinator uses independent judgment to effectively recommend discipline or that he otherwise has any indicia of supervisory authority as set forth in Section 2(11) of the Act. See e.g., Tr. 3408. Although of the site coordinator regularly provides relief for the site administrator, there is no evidence that he has or exercises supervisory authority when doing so.

I conclude that the site coordinator in 28-01-02 shares a sufficient community of interest with production and maintenance employees to be included in the unit found appropriate in 5-RC-14907. The site coordinator is in pay grade 29 like other unit employees. He is an experienced heavy equipment operator, who uses that experience to coordinate the activities of the equipment operators and truck drivers at the sites where CSPG deposits the ash generated by burning coal. He shares common immediate supervision with the equipment operators and truck drivers in 28-01-02, whom the parties have agreed to include in an appropriate production and maintenance unit. He spends about 80% of his time in an office area coordinating the disposal of

coal ash, a byproduct of the production process. When performing this primary function, he has regular contact, much like a dispatcher, with unit truck drivers and equipment operators and occasionally with coal handling technicians. Concededly, the site coordinator spends about one-quarter of his time either preparing daily reports about the utilization of contract truck drivers and equipment operators to load and unload coal ash, or coordinating and directing their activities during loading operations at silos. He also has similar contact, however, with unit truck drivers and equipment operators. The site coordinator possesses the same skills and training as unit employees, although he does not necessarily use them on a daily basis. He spends a month a year operating equipment and performing normal or routine operational and maintenance tasks on this equipment. He is dispatched to operate equipment on projects, when needed. He verifies the performance of maintenance work performed by unit truck drivers or equipment operators. He also has a commercial license to drive the dump trucks, and does so, as needed, on weekends. As noted, although of the site coordinator regularly provides relief for the site administrator, there is no evidence that he has or exercises supervisory authority when doing so. In these circumstances, I shall include the site coordinator in 28-01-02 in the production and maintenance unit found appropriate in 5-RC-14907.

Fuel Operations Unit, 28-01-03, Sup-Donald Schaffer

After the close of the hearing the parties stipulated to the following paragraph: The Fuel Operations Unit (28-01-03) has not changed, nor has the job classifications therein. All job responsibilities and roles in this unit remain the same as in the former organization and as was presented in the hearing.

Supervisor Schaffer has an office in the Fort Smallwood warehouse building, outside the main warehouse area, adjacent to the Issue Room and Dehumidified Storage Room. He has a separate entrance from outside the building. He can reach the warehouse through the Issue Room and then the Dehumidified Storage Room.

The Fuel Operations Unit that Schaffer supervises is responsible for managing the transport and delivery of fossil fuels, primarily by barge from Norfolk, Virginia to docks at Brandon Shores and Wagner.[20] This unit has two tugboats. A typical tugboat crew consists of a captain (excluded classification), engineer (excluded classification), tugboat mate (included classification), and senior marine technician or deckhand (included classification). All of these classifications have Coast Guard licenses. This unit runs two shifts: 7 a.m. to 3 p.m. and 3 p.m. to 11 p.m. The tugboat mates and one or two of the 10 senior marine technicians typically report to work where the tugboats are located. Approximately three of the senior marine technicians report to the warehouse during the day and two during the evening for about one-half hour to pick up their work instructions.

The senior marine technicians operate and maintain all the engines, generators, pumps and auxiliary mechanical and electrical systems on the tugboats themselves. The senior marine technicians would typically replace an engine or generator, fix a pump, make repairs to the electrical system, or change the oil. The tugboat mates would typically perform maintenance on machinery and equipment on the boats themselves and paint, remove rust, repair winches, or splice dock lines.

[20] This unit has no responsibility at Crane where coal arrives directly by rail and coal handling technicians manage the delivery.

Both parties would include the senior marine technicians and tugboat mates in an appropriate production and maintenance unit. The only classifications at issue in this unit are the fuel planner and maintenance planner, whom the Employer would include and Petitioner would exclude. Neither party claims that the tugboat captains should be included in the voting unit.

Fuel Planner, 28-01-03

Mike Tyree is the fuel planner in 28-01-03 in pay grade 30. There were two fuel planners in Department 25-03-03 in 1996. The other fuel planner, Larry Ireland, has been excluded from the unit in 28-00-02, for the reasons explained above.

The fuel planner in 28-01-03 works from 7 a.m. to 3 p.m. The fuel planner coordinates fuel delivery by maintaining radio or cell phone contact with the contract tugboat operator or CPSG captain and with the senior marine technicians or coal equipment technicians in Departments 21 in 23, who handle the fuel when it arrives by barge. He coordinates with fuel vendors, keeps track of coal data, maintains the fuel management system that shows fuel levels, and coordinates coal pile inventory surveys. He monitors the unloading of the barges. He came from a marine technician position and is very skilled in the repair of electrical-type systems. This classification requires a Coast Guard license and a commercial driver's license to coordinate the waterborne delivery of fuel. About four or five times a year, the fuel planner substitutes for the senior marine technician (included classification) to monitor the mechanical equipment in the engine room while the tugboat is underway. He spends about 80 percent of his time in the office on the telephone or radio coordinating deliveries of fuel or coordinating with the other fuel planner in Department 28. He uses a computer for e-mail and to track inventories. He is supervised by Donald Shaffer, just like the tugboat mate and senior marine technician (included classifications.

I conclude that the fuel planner in 28-01-03, like the fuel planner in 28-00-02, does not share a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. Although the fuel planner in 28-01-03 has common immediate supervision with unit employees such as the senior marine technicians and maintenance planner in this unit, he has different skills and functions than unit employees. He works almost exclusively in an office where he performs fuel delivery coordination functions by telephone or radio and speaks primarily with contractors and CPSG supervisory employees. He also keeps track of coal data and fuel levels, coordinates coal pile inventory surveys, and monitors the unloading of barges. He has little contact with unit employees and uses different tools that consist of a radio, telephone and computer. Any interchange with the senior marine technician is limited to four or five times a year. Otherwise, the fuel planner performs no tasks that are functionally integrated with unit production and maintenance work. In these circumstances, I shall exclude the fuel planner in the Fuel Operations Unit from the production and maintenance unit found appropriate in 5-RC-14907.

Maintenance Planner, 28-01-03

Dave Higgins is the maintenance planner in 28-01-03 in pay grade 30. He works a nine-hour day from 7 a.m. to 4 p.m., with a day off every other week. He does not work nights. His principal function is to plan the repair and maintenance work performed by tugboat mates and senior marine technicians on company-owned barges and tugboats that are used to complete fuel deliveries. He has either face-to-face or radio feedback from the marine technicians, tugboat mates, or the fuel planner about what maintenance needs to be done and then completes

maintenance orders to schedule the work much like the maintenance planners in the plants. General Supervisor Nilsen testified that Department 28 has attempted to utilize and modify the plant maintenance system to fit its needs.

The maintenance planner has a desk at Fort Smallwood warehouse.[21] Immediately adjacent to the maintenance planner's desk area in the warehouse is the fuel planner. Their desks face each other. They communicate freely with each other. The maintenance planner uses a computer to write maintenance orders that are given to supervision and to track the status of maintenance jobs as they progress. Like plant maintenance planners, he attends weekly meetings with supervision to plan the maintenance work that needs to be done.

About 70 percent of the maintenance planner's time is spent away from his desk either on the barges or tugboats inspecting the equipment, looking at what maintenance needs to done, and following up on maintenance orders in progress. A couple of times a month he fills in for the senior marine technician (included classification) to monitor the mechanical equipment in the engine room while the tugboat is underway. He rarely visits the shipyards in Norfolk or Baltimore to oversee repairs being done on the barges.

General Supervisor Nilsen testified that the maintenance planner would perform routine maintenance such as changing the oil for engines, although he had no personal knowledge of when the maintenance planner performed any maintenance. The applicable job description requires a Coast Guard engineer's license. Higgins possesses an engineer's license so that he can work in the engine room.

I conclude that the maintenance planner 28-01-03 shares a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. He shares common skills, functions and background training with maintenance planners in the plant that I have included in the unit. His work history shows that he was a machinery mechanic in Department 25 and a maintenance planner in Department 25. He primarily performs maintenance planning tasks that are integrated functionally with unit production and maintenance work. He spends about 70 percent of his time on the barges or tugboats inspecting the equipment, looking at what maintenance needs to done, and following up on maintenance orders in progress. He has regular contact with the senior marine technicians and tugboat mates, who are included in the unit. He shares common supervision with the senior marine technician and regularly fills in for the senior marine technician to monitor the mechanical equipment in the engine room while the tugboat is underway. Like other classifications in the unit, he has the requisite Coast Guard license to work in the engine room while the tugboat is underway. When doing so, he performs the same work as is normally performed by a senior marine technician. He shares the same pay grade as other unit employees. In these circumstances, I shall include the maintenance planner in Fuel Operations Unit in the production and maintenance unit found appropriate in 5-RC-14907.

Facilities Maintenance Unit, 28-01-04

As noted above, the parties stipulated to the following paragraph:

On July 3, 2000, the Facilities Maintenance Unit (28-01-04) was created in the Fuels & Business Planning Department and placed in the Operations Support Section (28-01).

[21] This is the same warehouse where the material handlers, senior material handlers, and procurement coordinators from 28-00-04 are located.

Employees, formally a part of the Facilities and Fleet Services, Fossil-North Section (75-08) in the General Services Division, Facilities and Fleet Services, Department 75, were transferred into the Operations Support Section (28-01) and are now employees of Constellation Power Source Generation, Inc. The primary role of this new Facilities Maintenance Unit (28-01-04) is to maintain the office facilities, grounds and vehicles of Constellation Power Source Generation, Inc. The responsibilities of the unit, the job classifications therein, and all job duties remain the same as in the former organization and as was presented in the hearing. The Employer seeks the inclusion of these positions in the same production and maintenance voting unit as other employees in Department 28. The Petitioner agrees to include the facility and equipment technicians and the vehicle mechanics, but does not seek to include the senior administrative assistant or the facility coordinators. The weekly job classifications transferred from the Facilities and Fleet Services, Fossil- North Section (75-08) include the following:

(1) Sr. Administrative Assistant KOMORNIK,MELANIE L	(from 75-08-01)
(5) Facility Coordinators ALFINITO,CHARLES V,,SR CARTER,JOHN R HAWKINS,RAYMOND L LIZARDO,PEDRO Q REITER,JEROME G	(from 75-08-02)
(4) Facility & Equipment Technicians ARMSTRONG,EDWARD L JANIAK,ANDREW A PHILLIPS,EARL L,,JR SITES,GARY R	(from 75-08-03)
(3) Vehicle Mechanics LEAP,ROBERT K,,JR TSOTTLES,PAUL J WARREN,DONALD L	(from 75-08-04)

Senior Administrative Assistant, 28-01-04 (formerly 75-08-01)

The parties stipulated to the following paragraph:

The SSA assigned to the former Section Staff Unit (75-08-01) has been transferred to the CPSG operation in Unit 28-01-04. The Employer seeks the inclusion of this position in any production and maintenance unit found appropriate at CPSG. The Petitioner seeks to exclude this position from any unit.

In 1996, this classification was called a unit support clerk in unit 75-08-00 and was found to be an office clerical and excluded from the unit by the Regional Director. See Er. Exh. 9C at 7-37 to 7-38. The record reflects that the duties of this classification have not changed.

The senior administrative assistant is in pay grade 26. She reports to the second floor of the Brandon Shores Field Office, which is a typical field office environment, and spends 95-100 percent of her time in her office. The former Fuel Ash Section is located in the same area as the

senior administrative assistant. The site coordinator, equipment operator and truck drivers spend time there. Her work hours are from 6:30 a.m. to 3:00 p.m., with flex time available. She wears casual business attire, sometimes as casual as jeans. The director of Facilities and Fleet Operations supervised her prior to her recent transfer. Her office is in the same general area as the director of Facilities and Fleet Operations, the supervisor for 75-08-02 and the supervisor for 75-08-04. The senior administrative assistant occasionally answers the telephone for the supervisors, but does not do much secretarial work. There is a contract employee who performs the secretarial work and the senior administrative assistant shares some of the duties with this employee, including ordering office supplies. She is responsible for fielding customer calls and dispatches the facility coordinators in 28-01-04 (formerly 75-08-02) or the facility and equipment technicians to service calls. The customer calls come from any of the service centers, including the Arlington Training Center, Cockeysville Service Center, Perry Hall Service Center, Blakely Office Building, all of the power plants and the Fort Smallwood Complex. In addition, the senior administrative assistant takes calls from some of the substations where the facility and equipment technicians are responsible for the air conditioning equipment. The senior administrative assistant handled about 4,000 customer calls during 1999. Once the call comes to the senior administrative assistant, she uses the corporate paging system to reach the facility coordinator or facility and equipment technician. The facility and equipment technicians have a portable cellular telephone. The senior administrative assistant is responsible for logging calls and jobs into the TMA system.

The senior administrative assistant receives calls from general supervisors, supervisors, field employees, control room operators and shift supervisors at power plants. Once the senior administrative assistant dispatches a call to a facility and equipment technician, she logs the call in the TMA and on a handwritten log to ensure that all customer calls are responded to as quickly as possible. Once the call is dispatched to a facility and equipment technician, the senior administrative assistant initials the log and makes a note concerning who the call is assigned to. Within a reasonable period of time, the facility and equipment technician submits a work order that details what action was taken on the service call and when the call was completed. This information is also logged into the TMA system. The facility and equipment technicians frequently request that the senior administrative assistant issue a limited value purchase order to purchase materials for the completion of service calls or to purchase equipment for installation. The facility and equipment technician provides the senior administrative assistant with the information and she goes into the corporate purchasing system and issues the limited value purchase order, generally faxing it to the vendor so the materials can be purchased or the work initiated. This limited value purchase order is generally for materials that are in excess of the limit of the facility and equipment technician's outside personal purchasing. Each facility and equipment technician is issued a procurement card with a limit of $1,000 per purchase or $5,000 per month. When working on value purchase orders, the senior administrative assistant enters data and processes paperwork. She does not evaluate bids or perform any purchasing.

The senior administrative assistant also responsible for tracking vehicles that are assigned to her section. The senior administrative assistant makes contact with the individual assigned to the vehicle when scheduled maintenance is due, ensures that registration tags come in and are given to the individual assigned to the vehicle, and keeps general information on the vehicle.

I conclude that senior administrative assistant in 28-01-04 (formerly 75-08-01) is an office clerical employee who does not share a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. She has different working conditions and skills and functions than production and maintenance employees in said unit. She

works exclusively in an office environment on the second floor of the Brandon Shores Field Office where she spends almost all her time on the telephone or computer performing office clerical duties. She answers the phone for supervisors, and like other excluded administrative assistants, she receives calls for building maintenance from various office facilities. She logs the call into the TMA work management system and dispatches the work via pager or telephone to a facilities coordinator in 28-01-04 (formerly75-08-02) or 75-08-02 or a facilities & equipment technician in 75-38-03. Similarly, when the work is finished, she logs in time and material. She orders supplies by computer, prepares purchase orders and faxes them to the vendor. Much like the excluded principal administrative assistant in 75-04-01 in BGE's General Services Division, she acts as a vehicle coordinator for her section. Her contact with unit employees is limited and is usually by telephone. She does not interchange with unit employees and she performs no unit work. In these circumstances, I shall exclude the senior administrative assistant in 28-01-04 (formerly 75-08-01) from the production and maintenance unit found appropriate in 5-RC-14907. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105, 1108-09 (1994); Avecor, Inc., 309 NLRB 73, 75 (1992).

Facilities Coordinators, 28-01-04 (formerly 75-08-02)

The parties stipulated to the following paragraph:

There were seven Facility Coordinators working in Unit 75-08-02. Five facility coordinators have been transferred to the CPS-G operation in Unit 28-01-04. The Employer seeks the inclusion of this position in any production and maintenance unit found appropriate at CPS-G. The Petitioner seeks to exclude this position from any unit. Two Facility Coordinators have been transferred into the newly formed Facilities Operations Unit (75-05-02) within the new Outlying Facilities Section (75-05). Those Facility Coordinators transferred to unit 75-05-02 will continue to perform the same job duties as in the former organization and as was presented in the hearing.

As the record is unclear as to the job duties of the five facilities coordinators transferred to 28-01-04 from 75-08-02, I shall permit them to vote subject to challenge in Case 5-RC-14907. The two facilities coordinators, who were formerly in 75-05-02 and who have been transferred to 75-05-02, are discussed infra when discussing unit placement issues in Department 75 of BGE's General Services Division.

Business Planning & Support Section, 28-04-01, Gen. Sup.-Bruce Turczynski
Business Planning & Marketing Support Unit, 28-04-03, Sup-Ken Cramblitt, Jr.

After the close of the hearing, the parties stipulated to the following paragraph:

The Business Planning & Marketing Support Unit (28-04-03) has not changed, nor have the job classifications therein. All job responsibilities and roles in this unit remain the same as in the former organization and as was presented in the hearing.

The Business Planning and Marketing Support Unit basically does the business planning for CPSG and performs all marketing support functions for the procurement and sale of electricity. This unit includes two weekly classifications that the Petitioner would exclude and the Employer would include in any appropriate production and maintenance unit: performance data coordinator and senior administrative assistant.

Performance Data Coordinator, 28-04-03

The performance data coordinator, Elaine Letita, is in pay grade 30. She works five days a week from 8 a.m. to 4:30 p.m. The performance data coordinator was previously in 25-03-03. She is responsible for completing federal forms and reports for CPSG and for coordinating certification renewals for boilers, pressure vessels and other facilities. She is also charged with keeping track of PJM documentation and records such as generator unit capacity and availability. In addition, she receives and compiles daily event and performance reports about the generating capacity of units (e.g., energy generated, fuel consumed, megawatts out) based on facsimile or telephonic communication from the control rooms in the plants, or the plant technicians at the combustion turbine facilities that lack control rooms. She prepares raw data feeds so that engineers and other monthly employees can run market simulation programs to determine when to bring units on, conduct performance tests on units, and make other business planning decisions.

The performance data coordinator sits with the senior administrative assistant, Barbara Weeks, on the second floor of the Fort Smallwood office area. They sit in large cubicles that face one another so that they can interchange back and forth and perform complimentary tasks. They spend virtually all of their time in the office on the second floor. They both work hours that support the needs of the plants, but have the ability to work flex time. They are surrounded by engineers and engineering analysts. There is also a senior administrative assistant in the area from the Budget and Cost Analysis Unit, 28-04-04,[22] whom neither party seeks to include in any appropriate unit. The senior administrative assistant in this unit performs a lot of the tasks that the performance data coordinator performs such as categorizing events after contacting the control room or inputting data from daily plant log sheets into software programs on the computer. The performance data coordinator keeps track of long range outage schedules, whereas the senior administrative assistant would keep track of small maintenance or weekend outages. If a planned outage is rescheduled by management, the performance data coordinator will have input into the decision and may communicate with project planners or maintenance planners about any change. Both the performance data coordinator and the senior administrative assistant are involved with the calculation of production numbers for the Results Incentive Awards structure.

There are no work groups in this business unit. Therefore, both the performance data coordinator and the senior administrative assistant are supervised by Mr. Cramblitt, the supervisor of the entire Business Planning & Marketing Support Unit, including the engineers and engineering classifications. The performance data coordinator sits on the Fort Smallwood FEARNOT (safety) committee, which permits some limited contact with included classifications.

I conclude that the performance data coordinator does not share a community of interest with production and maintenance employees in the production and maintenance unit found to be appropriate in 5-RC-14907. She has different skills and functions than production and maintenance employees. She is separately supervised with other excluded classifications. She works almost exclusively in an office environment. She performs no unit work and performs functions that are not integrated with unit work, such as preparing statistical reports. In these circumstances, I shall exclude the performance data coordinator in the Business Planning & Marketing Support Unit from the production and maintenance unit found appropriate in 5-RC-

[22] This unit is responsible for budgeting for incentive awards and the ERAP program for CPSG.

14907. Westinghouse Electric Corp., 118 NLRB 1043 (1957); Hygeia Coca-Cola Bottling Co., 192 NLRB 1127 (1971); Idaho Power Company, 126 NLRB 547 (1960).

Senior Administrative Assistant, 28-04-03

This classification is in pay grade 26. This classification was previously called economy clerk in 25-03-03. Barbara Weeks is the current senior administrative assistant and former economy clerk. Her duties have remained principally the same, although her job is more automated because of technology and e-mail. The senior administrative assistant works a 4/10 schedule from 7 a.m. to 5:30 p.m. As noted above, she essentially acts as an assistant or support person for the performance data coordinator, a classification that I have excluded from the production and maintenance unit found appropriate in 5-RC-14907. She tracks a lot of the maintenance outages and clarifies event reports by calling the control room or a plant technicians about an event at the plant such as a problem with a combustion turbine. She is usually in contact with the plants on a daily basis. She enters raw data into the computer to generate reports that are used by engineers or reviewed by monthly employees or unit supervisors. Like the performance data coordinator, the senior administrative assistant is a member of the FEARNOT committee, which meet several times a month.

I conclude that the senior administrative assistant in 28-04-03 is an office clerical employee who does not share a community of interest with production and maintenance employees in the unit found appropriate in 5-RC-14907. Like the performance data coordinator, she has different skills and functions and is separately supervised with other excluded classifications. She works almost exclusively in an office, enters raw data to generate reports for monthly employees, performs no unit work, has limited contact with unit employees, and performs functions that are not integrated with unit work. In these circumstances, I shall exclude the senior administrative assistant in the Business Planning & Marketing Support Unit from the production and maintenance unit found appropriate in 5-RC-14907. Westinghouse Electric Corp., 118 NLRB 1043 (1957); Hygeia Coca-Cola Bottling Co., 192 NLRB 1127 (1971); Idaho Power Company, 126 NLRB 547 (1960).